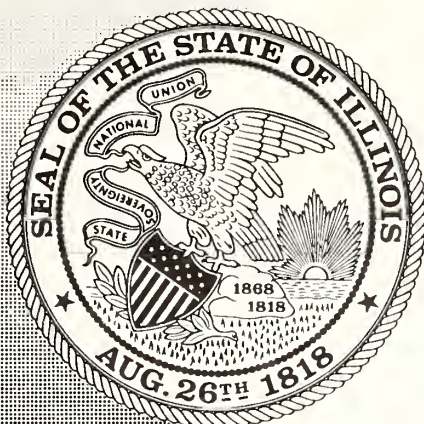


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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1993

| Material Rec'd after 4:30 p.m. on: | And before 4:30 p.m. on: | Will be in Issue #: | Published on: | Material Rec'd after 4:30 p.m. on: | And before 4:30 p.m. on: | Will be in Issue #: | Published on: |
|---------------------------------------|-----------------------------|------------------------|---------------------|---------------------------------------|-----------------------------|------------------------|----------------------|
| Dec. 16, 1992 | Dec. 23, 1992 | 1 | (Mon.) Jan. 4, 1993 | June 22, 1993 | June 29, 1993 | 28 | July 9, 1993 |
| Dec. 23, 1992 | Dec. 30, 1992 | 2 | Jan. 8, 1993 | June 29, 1993 | July 6, 1993 | 29 | July 16, 1993 |
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| Jan. 12, 1993 | Jan. 19, 1993 | 5 | Jan. 29, 1993 | July 20, 1993 | July 27, 1993 | 32 | Aug. 6, 1993 |
| Jan. 19, 1993 | Jan. 26, 1993 | 6 | Feb. 5, 1993 | July 27, 1993 | Aug. 3, 1993 | 33 | Aug. 13, 1993 |
| Jan. 26, 1993 | Feb. 2, 1993 | 7 (Tues.) | Feb. 16, 1993 | Aug. 3, 1993 | Aug. 10, 1993 | 34 | Aug. 20, 1993 |
| Feb. 2, 1993 | Feb. 9, 1993 | 8 | Feb. 19, 1993 | Aug. 10, 1993 | Aug. 17, 1993 | 35 | Aug. 27, 1993 |
| Feb. 9, 1993 | Feb. 16, 1993 | 9 | Feb. 26, 1993 | Aug. 17, 1993 | Aug. 24, 1993 | 36 | Sept. 3, 1993 |
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| Mar. 2, 1993 | Mar. 9, 1993 | 12 | Mar. 19, 1993 | Sept. 7, 1993 | Sept. 14, 1993 | 39 | Sept. 24, 1993 |
| Mar. 9, 1993 | Mar. 16, 1993 | 13 | Mar. 26, 1993 | Sept. 14, 1993 | Sept. 21, 1993 | 40 | Oct. 1, 1993 |
| Mar. 16, 1993 | Mar. 23, 1993 | 14 | Apr. 2, 1993 | Sept. 21, 1993 | Sept. 28, 1993 | 41 | Oct. 8, 1993 |
| Mar. 23, 1993 | Mar. 30, 1993 | 15 | Apr. 9, 1993 | Sept. 28, 1993 | Oct. 5, 1993 | 42 | Oct. 15, 1993 |
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| Apr. 20, 1993 | Apr. 27, 1993 | 19 | May 7, 1993 | Oct. 26, 1993 | Nov. 2, 1993 | 46 | Nov. 12, 1993 |
| Apr. 27, 1993 | May 4, 1993 | 20 | May 14, 1993 | Nov. 2, 1993 | Nov. 9, 1993 | 47 | Nov. 19, 1993 |
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| June 8, 1993 | June 15, 1993 | 26 | June 25, 1993 | Dec. 14, 1993 | Dec. 21, 1993 | 1 | Jan. 3, 1994 (Mon.) |
| June 15, 1993 | June 22, 1993 | 27 | July 2, 1993 | Dec. 21, 1993 | Dec. 28, 1993 | 2 | Jan. 7, 1994 |

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED RULES

1) Heading of the Part: Health Care Worker Self-Referral2) Code Citation:

77 Ill. Adm. Code 1235

3) Section Numbers:

1235.10 New Section
 1235.20 New Section
 1235.30 New Section
 1235.40 New Section
 1235.50 New Section
 1235.100 New Section
 1235.200 New Section
 1235.210 New Section
 1235.220 New Section
 1235.230 New Section
 1235.240 New Section
 1235.300 New Section
 1235.310 New Section

Proposed Action:4) Statutory Authority:

Health Care Worker Self-Referral Act (PA87-1207)
 Effective January 1, 1993

5) A Complete Description of the Subjects and Issues Involved:

New Regulations designed to implement the Health Care Worker Referral Act.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes ___ No X7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes", please specify the date: _____

8) Does this Rulemaking Contain any Incorporations by Reference? Yes ___ No X

If "yes," please specify type: 6.02(a) ___ or 6.06(b) ___

9) Are there any Other Proposed Amendments Pending on this Part? Yes ___ No X

If yes:

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED RULES

Section NumbersProposed ActionIll. Reg. Citation10) Statement of Statewide Policy Objectives:

To prevent the conflict of interest that occurs when patient referrals are made to an entity in which the referring health care worker has a financial interest. No impact on local government is anticipated.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Philip Garner, Office of Health Statistics, Policy and Planning, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Phillip Garner at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

A public hearing will be held on these regulations on February 17, 1993 at the Executive House Hotel, 71 E. Wacker Dr., Chicago, Illinois 60601.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

January 12, 1993

B) Type of Small Businesses Affected:

Health care workers.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

N/A

D) Types of Professional Skills Necessary for Compliance:

N/A

The full text of the Proposed Rules begins on the next page:

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES PLANNING BOARD
SUBCHAPTER b: OTHER BOARD RULES

PART 1235
HEALTH CARE WORKER SELF-REFERRAL

SUBPART A: AUTHORITY, PUBLIC HEARINGS, PURPOSE AND DEFINITIONS

Section
1235.10 Statutory Authority
1235.20 Public Hearings
1235.30 Purpose
1235.40 Applicability
1235.50 Definitions

SUBPART B: REFERRALS

Section
1235.100 Prohibited Referrals

SUBPART C: COMMUNITY NEED EXCEPTION

Section
1235.200 Introduction
1235.210 Community Need
1235.220 Alternative Financing
1235.230 Assurances
1235.240 Application for Exception

SUBPART D: STATE BOARD ADVISORY OPINIONS

Section
1235.300 Introduction
1235.310 Request for Opinion

AUTHORITY: Implementing and authorized by the Health Care Self-Referral Act (Public Act 87-1207, effective January 1, 1993.)

SOURCE: Emergency rule adopted 17 Ill. Reg. 402, effective January 4, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language or paraphrase thereof.

SUBPART A: AUTHORITY, PUBLIC HEARINGS, PURPOSE AND DEFINITIONS

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED RULES

Section 1235.10 Statutory Authority

This Part is promulgated by authority granted to the Illinois Health Facilities Planning Board (State Board or Board) under the Illinois Health Facilities Planning Act, (Planning Act), as amended (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1151 et. seq.) and under Public Act 87-1207, the Health Care Worker Self-Referral Act.

Section 1235.20 Public Hearings

In accordance with the provision of Section 12 of the Health Facilities Planning Act, public hearings on this Part will be held on February 17, 1993. Copies of the public hearing record will be available for inspection at the headquarters of the State Board at 525 West Jefferson Street, Springfield, Illinois 62761.

Section 1235.30 Purpose

"THE GENERAL ASSEMBLY RECOGNIZES THAT PATIENT REFERRALS BY HEALTH CARE WORKERS FOR HEALTH SERVICES TO AN ENTITY IN WHICH THE REFERRING HEALTH CARE WORKER HAS AN INVESTMENT INTEREST MAY PRESENT A POTENTIAL CONFLICT OF INTEREST....IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE GUIDANCE TO HEALTH CARE WORKERS REGARDING ACCEPTABLE PATIENT REFERRALS, TO PROHIBIT PATIENT REFERRALS TO ENTITIES PROVIDING HEALTH SERVICES IN WHICH THE REFERRING HEALTH CARE WORKER HAS AN INVESTMENT INTEREST, AND TO PROTECT THE CITIZENS OF ILLINOIS FROM UNNECESSARY AND COSTLY HEALTH CARE EXPENDITURES....IT IS NOT THE INTENT OF THE GENERAL ASSEMBLY TO LIMIT APPROPRIATE DELIVERY OF CARE, NOR FORCE UNNECESSARY CHANGES IN THE STRUCTURES CREATED BY WORKERS FOR THE HEALTH AND CONVENIENCE OF THEIR PATIENTS. (Section 5 of the Act)

Section 1235.40 Applicability

The Act applies TO REFERRALS FOR HEALTH SERVICES MADE ON OR AFTER JANUARY 1, 1993. HOWEVER, IF A HEALTH CARE WORKER ACQUIRED AN INVESTMENT INTEREST BEFORE JULY 1, 1992 THIS ACT SHALL NOT APPLY TO REFERRALS MADE FOR HEALTH SERVICES BEFORE JANUARY 1, 1996. (Section 10 of the Act)

Section 1235.50 Definitions

The following definitions shall apply to the terms used in this Part:

"BOARD OR STATE BOARD" MEANS THE HEALTH FACILITIES PLANNING BOARD. (Section 15 of the Act)

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED RULES

"COMMUNITY" MEANS A METROPOLITAN AREA FOR A CITY, AND A COUNTY FOR A RURAL AREA. (Section 15 of the Act)

"ENTITY" MEANS ANY INDIVIDUAL, PARTNERSHIP, FIRM, CORPORATION, OR OTHER BUSINESS THAT PROVIDES HEALTH SERVICES BUT DOES NOT INCLUDE AN INDIVIDUAL WHO IS A HEALTH CARE WORKER WHO PROVIDES PROFESSIONAL SERVICES TO AN INDIVIDUAL. (Section 15 of the Act)

"GROUP PRACTICE" MEANS A GROUP OF 2 OR MORE HEALTH CARE WORKERS LEGALLY ORGANIZED AS A PARTNERSHIP, PROFESSIONAL CORPORATION, NOT-FOR-PROFIT CORPORATION, FACULTY PRACTICE PLAN OR A SIMILAR ASSOCIATION IN WHICH ANY OF THE FOLLOWING OCCURS:

EACH HEALTH CARE WORKER WHO IS A MEMBER OR EMPLOYEE OR AN INDEPENDENT CONTRACTOR OF THE GROUP PROVIDES SUBSTANTIALLY THE FULL RANGE OF SERVICES THAT THE HEALTH CARE WORKER ROUTINELY PROVIDES, INCLUDING CONSULTATION, DIAGNOSIS, OR TREATMENT, THROUGH THE USE OF OFFICE SPACE, FACILITIES, EQUIPMENT, OR PERSONNEL OF THE GROUP;

THE SERVICES OF THE HEALTH CARE WORKERS ARE PROVIDED THROUGH THE GROUP, AND PAYMENTS RECEIVED FOR HEALTH SERVICES ARE TREATED AS RECEIPTS OF THE GROUP;

THE OVERHEAD EXPENSES AND THE INCOME FROM THE PRACTICE ARE DISTRIBUTED BY METHODS PREVIOUSLY DETERMINED BY THE GROUP. (Section 15 of the Act)

"HEALTH CARE WORKER" MEANS ANY INDIVIDUAL LICENSED UNDER THE LAWS OF THIS STATE TO PROVIDE HEALTH SERVICES, INCLUDING BUT NOT LIMITED TO: DENTISTS LICENSED UNDER THE ILLINOIS DENTAL PRACTICE ACT; DENTAL HYGIENISTS LICENSED UNDER THE ILLINOIS DENTAL PRACTICE ACT; NURSES LICENSED UNDER THE ILLINOIS NURSING ACT OF 1987; OCCUPATIONAL THERAPISTS LICENSED UNDER THE ILLINOIS OCCUPATIONAL THERAPY PRACTICE ACT; OPTOMETRISTS LICENSED UNDER THE ILLINOIS OPTOMETRIC PRACTICE ACT OF 1987; PHARMACISTS LICENSED UNDER THE PHARMACY PRACTICE ACT OF 1987; PHYSICAL THERAPISTS LICENSED UNDER THE ILLINOIS PHYSICAL THERAPY ACT; PHYSICIANS LICENSED UNDER THE MEDICAL PRACTICE ACT OF 1987; PHYSICIAN ASSISTANTS LICENSED UNDER THE PHYSICIAN ASSISTANT PRACTICE ACT OF 1987; PODIATRISTS

HEALTH FACILITIES PLANNING BOARD

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LICENSED UNDER THE PODIATRIC MEDICAL PRACTICE ACT OF 1987; CLINICAL PSYCHOLOGISTS LICENSED UNDER THE CLINICAL PSYCHOLOGIST LICENSING ACT; CLINICAL SOCIAL WORKERS LICENSED UNDER THE CLINICAL SOCIAL WORK AND SOCIAL WORK PRACTICE ACT; SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS LICENSED UNDER THE ILLINOIS SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY PRACTICE ACT; OR HEARING AID DISPENSERS LICENSED UNDER THE HEARING AID CONSUMER PROTECTION ACT OR ANY OF THEIR SUCCESSOR ACTS. (Section 15 of the Act)

"HEALTH SERVICES" MEANS HEALTH CARE PROCEDURES AND SERVICES PROVIDED BY OR THROUGH A HEALTH CARE WORKER. (Section 15 of the Act)

"IMMEDIATE FAMILY MEMBER" MEANS A HEALTH CARE WORKER'S SPOUSE, CHILD, CHILD'S SPOUSE, OR A PARENT. (Section 15 of the Act)

"INVESTMENT INTEREST" MEANS AN EQUITY OR DEBT SECURITY ISSUED BY AN ENTITY, INCLUDING, WITHOUT LIMITATION, SHARES OF STOCK IN A CORPORATION, UNITS OR OTHER INTERESTS IN A PARTNERSHIP, BONDS, DEBENTURES, NOTES, OR OTHER EQUITY INTERESTS OR DEBT INSTRUMENTS EXCEPT THAT INVESTMENT INTEREST DOES NOT INCLUDE INTEREST IN A HOSPITAL LICENSED UNDER THE LAWS OF THE STATE OF ILLINOIS. (Section 15 of the Act)

"INVESTOR" MEANS AN INDIVIDUAL OR ENTITY DIRECTLY OR INDIRECTLY OWNING A LEGAL OR BENEFICIAL OWNERSHIP OR INVESTMENT INTEREST, (SUCH AS THROUGH AN IMMEDIATE FAMILY MEMBER, TRUST, OR ANOTHER ENTITY RELATED TO THE INVESTOR). (Section 15 of the Act)

"Metropolitan Area" means a geographically identified area consisting of community areas or townships (as applicable) not to exceed a population of 50,000 people.

"OFFICE PRACTICE" INCLUDES THE FACILITY OR FACILITIES AT WHICH A HEALTH CARE WORKER, ON AN ONGOING BASIS, PROVIDES OR SUPERVISES THE PROVISION OF PROFESSIONAL HEALTH SERVICES TO INDIVIDUALS. (Section 15 of the Act)

"REFERRAL" MEANS ANY REFERRAL OF A PATIENT FOR HEALTH SERVICES, INCLUDING, WITHOUT LIMITATION:

THE FORWARDING OF A PATIENT BY ONE HEALTH CARE WORKER TO ANOTHER HEALTH CARE WORKER OR TO AN ENTITY OUTSIDE

HEALTH FACILITIES PLANNING BOARD

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THE HEALTH CARE WORKER'S OFFICE PRACTICE OR GROUP PRACTICE THAT PROVIDES HEALTH SERVICES.

THE REQUEST OR ESTABLISHMENT BY A HEALTH CARE WORKER OF A PLAN OF CARE OUTSIDE THE HEALTH CARE WORKER'S OFFICE PRACTICE OR GROUP PRACTICE THAT INCLUDES THE PROVISION OF ANY HEALTH SERVICES. (Section 15 of the Act)

"Rural Area" means any geographic area located outside a metropolitan statistical area as defined by the U.S. Census Bureau.

SUBPART B: REFERRALS

Section 1235.100 Prohibited Referrals

All patient referrals are allowable under the Act except the following patient referrals which are prohibited:

- a) patient referrals TO AN ENTITY OUTSIDE THE HEALTH CARE WORKER'S OFFICE OR GROUP PRACTICE IN WHICH THE HEALTH CARE WORKER IS AN INVESTOR, UNLESS:
 - (1) THE HEALTH CARE WORKER DIRECTLY PROVIDES HEALTH SERVICES WITHIN THE ENTITY AND WILL BE PERSONALLY INVOLVED WITH THE PROVISION OF CARE TO THE REFERRED PATIENT (Section 20 of the Act), or
 - (2) the State Board approves an exception pursuant to Section 1235.200;

- b) patient REFERRALS TO ANOTHER HEALTH CARE WORKER OR ENTITY BASED UPON THE CONDITION THAT THE HEALTH CARE WORKER OR ENTITY WILL MAKE REFERRALS WITH AN INTENT TO EVADE THE PROHIBITIONS OF THE SELF-REFERRAL ACT BY INDUCING PATIENT REFERRALS WHICH WOULD BE PROHIBITED IF THE HEALTH CARE WORKER OR ENTITY MADE THE REFERRAL DIRECTLY (Section 20 of the Act);

- c) patient referrals to a publicly traded entity in which the health care worker has an investment interest that does not comply with the following provisions:

- (1) THE ENTITY IS LISTED FOR TRADING ON THE NEW YORK STOCK EXCHANGE OR ON THE AMERICAN STOCK EXCHANGE, OR IS A NATIONAL MARKET SYSTEM SECURITY TRADED UNDER AN

HEALTH FACILITIES PLANNING BOARD

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AUTOMATED INTER-DEALER QUOTATION SYSTEM OPERATED BY THE NATIONAL ASSOCIATION OF SECURITIES DEALERS (Section 20 of the Act); and

- (2) THE ENTITY HAD, AT THE END OF THE CORPORATION'S MOST RECENT FISCAL YEAR, TOTAL NET ASSETS OF AT LEAST \$30,000,000 RELATED TO THE FURNISHING OF HEALTH SERVICES (Section 20 of the Act); and
- (3) ANY INVESTMENT INTEREST OBTAINED AFTER JANUARY 1, 1993 IS TRADED ON THE EXCHANGES LISTED IN SECTION 1235.100.C.1 ABOVE AFTER THE ENTITY BECAME A PUBLICLY TRADED CORPORATION (Section 20 of the Act); and
- (4) THE ENTITY MARKETS OR FURNISHES ITS SERVICES TO REFERRING HEALTH CARE WORKER INVESTORS AND OTHER HEALTH CARE WORKERS ON EQUAL TERMS (Section 20 of the Act); and
- (5) ALL STOCK HELD IN SUCH PUBLICLY TRADED COMPANIES, INCLUDING STOCK HELD IN THE PREDECESSOR PRIVATELY HELD COMPANY, SHALL BE OF ONE CLASS WITHOUT PREFERENTIAL TREATMENT AS TO STATUS OR REMUNERATION (Section 20 of the Act); and
- (6) THE ENTITY DOES NOT LOAN FUNDS OR GUARANTEE ANY LOANS FOR HEALTH CARE WORKERS WHO ARE IN A POSITION TO BE REFERRED TO AN ENTITY (Section 20 of the Act); and
- (7) THE INCOME ON THE HEALTH CARE WORKER'S INVESTMENT IS TIED TO THE HEALTH CARE WORKER'S EQUITY IN THE ENTITY RATHER THAN TO THE VOLUME OF REFERRALS MADE (Section 20 of the Act); and
- (8) THE INVESTMENT INTEREST DOES NOT EXCEED 1/2 OF 1% OF THE ENTITY'S TOTAL EQUITY. (Section 20 of the Act)

SUBPART C: COMMUNITY NEED EXCEPTION

Introduction

Section 1235.200

One of the stated goals of the Health Care Worker Self-Referral Act is to "PROHIBIT PATIENT REFERRALS TO ENTITIES PROVIDING HEALTH SERVICES IN WHICH THE REFERRING HEALTH CARE WORKER HAS AN INVESTMENT INTEREST". This provision can be tempered

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED RULES

through the use of an exception for community need. As a concept community need can be segmented into two principle components; need for a particular service and the existence and availability of alternative financing. An applicant for a community need exception must document compliance with both principle components.

Section 1235.210 Community Need

- a) A health care worker may invest in and refer to an entity if the State Board determines that in a referral arrangement alternative financing does not exist and that a demonstrated need for the service is present in the community.
- b) The health care worker must document any of the following to demonstrate community need:
 - 1) there is no other entity within the community that provides the medical service proposed; or
 - 2) if the health service currently exists within the community, the use of these facilities can be shown to be a hardship for patients due to factors such as excessive (over 45 minutes) travel time to obtain service, existing admission or treatment policies of other entities which restrict the availability of the service or perceived quality concerns by the general public involving existing providers which restrict the use of such services; and in the case of medical equipment,
 - 3) the existing entity or the entity to be formed to own or lease medical equipment which will;

- A) replace obsolete equipment in a hospital as documented by excessive downtime and high maintenance costs; or
- B) represents an advancement in technology which will make available medical procedures not possible on existing equipment; and
- C) is located within a community within a designated health manpower shortage area.

Section 1235.220 Alternative Financing

A health care worker may invest in and refer to an entity if the State Board determines a demonstrated community need exists and that alternative financing is not or was not available. The health care worker must document that INDIVIDUALS WHO ARE NOT IN A POSITION TO REFER PATIENTS TO AN ENTITY ARE OR WERE GIVEN A BONA FIDE OPPORTUNITY TO ALSO INVEST IN THE ENTITY ON THE SAME TERMS AS THOSE OFFERED A REFERRING

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED RULES

HEALTH CARE WORKER and that such investment was not forthcoming. Documentation shall consist of copies of all information that supports this position.

Section 1235.230 Assurances

In addition to documenting compliance with 1235.210 and 1235.220, a health care worker must document compliance with the assurances and conditions of this rule. Documentation shall consist of a written profile as to how compliance will occur and copies of all supporting documentation. Assurances and conditions are:

- a) That NO HEALTH CARE WORKER WHO INVESTS SHALL BE REQUIRED OR ENCOURAGED TO MAKE REFERRALS TO THE ENTITY OR OTHERWISE GENERATE BUSINESS AS A CONDITION OF BECOMING OR REMAINING AN INVESTOR; and
- b) That THE ENTITY SHALL MARKET OR FURNISH ITS SERVICES TO REFERRING HEALTH CARE WORKER INVESTORS AND OTHER INVESTORS ON EQUAL TERMS; and
- c) That THE ENTITY SHALL NOT LOAN FUNDS OR GUARANTEE ANY LOANS FOR HEALTH CARE WORKERS WHO ARE IN A POSITION TO REFER TO AN ENTITY; and
- d) That THE INCOME ON THE HEALTH CARE WORKER'S INVESTMENT SHALL BE TIED TO THE HEALTH CARE WORKER'S EQUITY IN THE FACILITY RATHER THAN TO THE VOLUME OF REFERRALS MADE; and
- e) That ANY INVESTMENT CONTRACT BETWEEN THE ENTITY AND THE HEALTH CARE WORKER SHALL NOT INCLUDE ANY COVENANT OR NON-COMPETITION CLAUSE THAT PREVENTS A HEALTH CARE WORKER FROM INVESTING IN OTHER ENTITIES; and
- f) That WHEN MAKING A REFERRAL, A HEALTH CARE WORKER MUST DISCLOSE HIS INVESTMENT INTEREST IN AN ENTITY TO THE PATIENT BEING REFERRED TO SUCH ENTITY. IF ALTERNATIVE FACILITIES ARE REASONABLY AVAILABLE, THE HEALTH CARE WORKER MUST PROVIDE THE PATIENT WITH A LIST OF ALTERNATIVE FACILITIES. THE HEALTH CARE WORKER SHALL INFORM THE PATIENT THAT THEY HAVE THE OPTION TO USE AN ALTERNATIVE FACILITY OTHER THAN ONE IN WHICH THE HEALTH CARE WORKER HAS AN INVESTMENT INTEREST AND THE PATIENT WILL NOT BE TREATED DIFFERENTLY BY THE HEALTH CARE WORKER IF THE PATIENT CHOOSES TO USE ANOTHER ENTITY. THIS SHALL BE APPLICABLE TO ALL HEALTH CARE WORKER INVESTORS, INCLUDING THOSE WHO

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PROVIDE DIRECT CARE OR SERVICES FOR THEIR PATIENTS IN ENTITIES OUTSIDE THEIR OFFICE PRACTICES; and

- g) That IF A THIRD PARTY PAYOR REQUESTS INFORMATION WITH REGARD TO A HEALTH CARE WORKER'S INVESTMENT INTEREST, THE SAME SHALL BE DISCLOSED; and
- h) That THE ENTITY SHALL ESTABLISH AN INTERNAL UTILIZATION REVIEW PROGRAM TO ENSURE THAT INVESTING HEALTH CARE WORKERS PROVIDED APPROPRIATE OR NECESSARY UTILIZATION; and
- i) That IF A HEALTH CARE WORKER'S FINANCIAL INTEREST IN AN ENTITY IS INCOMPATIBLE WITH A REFERRED PATIENT'S INTEREST, THE HEALTH CARE WORKER SHALL MAKE ALTERNATIVE ARRANGEMENTS FOR THE PATIENT'S CARE; and
- j) That all documentation required by the State Board to confirm that all assurances have been met will be provided upon request for a period of two years following exception issuance.

Section 1235.240 Application for Exception

- a) Each application for exception must be submitted to the State Board in writing at the offices of the Executive Secretary, 525 W. Jefferson Street, Springfield, IL 62761. The application will be declared complete upon receipt.
- b) The State Board shall have 90 days from the date of application receipt in which to make a determination as to approve or deny an application. Failure to act by the State Board on an application within the 90 day review period shall constitute approval of the application.
- c) Approval of an application for exception requires seven affirmative votes and shall be based on a finding by the State Board that the health care worker has documented compliance with the provisions of this sub-part. State Board action shall be to approve the exception. Failure to obtain seven affirmative votes shall constitute denial of the application.
- d) During the course of application review the State Board may determine that supplemental information is required to make its decision. The State Board may request of the health care worker such information and defer action on the application to a later date. The State Board cannot defer action beyond the 90 day review period.
- e) If granted, an exception shall be issued to the applicant health care worker for referral of patients to the specific entity identified in the application for exception.

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- f) Action taken by the State Board on an application for exception is its final administrative decision and shall be subject to the provisions of the Administrative Review Law.

SUBPART D: STATE BOARD ADVISORY OPINIONS

Section 1235.300 Introduction

Health care workers may request an advisory opinion from the State Board regarding whether a referral to an existing or proposed entity does or does not violate the provisions of the Self-Referral Act. Such a request must involve an entity with which the health care worker currently has or anticipates to have a financial involvement.

Section 1235.310 Request for Opinion

- a) A request for opinion must be made in writing and submitted to the office of the Executive Secretary, 525 W. Jefferson, Springfield, IL. Each request is complete upon receipt and must contain:
 - 1) Name and identifying information of the health care worker requesting the opinion;
 - 2) Identification of the entity and description of the health care services being provided or proposed by or through the entity;
 - 3) The type and amount of existing or proposed investment interest in the entity;
 - 4) A description of the nature of the investment interest and copies of any existing or proposed documents between the health care worker and the entity including but not limited to such items as leases or contracts etc.
 - 5) Certification and notarized signature from the health care worker or an authorized representative requesting the opinion.
- b) The State Board shall have 90 days from the date of request receipt in which to issue an advisory opinion as to violation of the Self-Referral Act. Seven affirmative votes shall be required for the Board to adopt an advisory opinion. Failure to obtain seven affirmative votes shall result in a position of no opinion.
- c) The State Board opinion shall be presumptively correct. Failure to render such an opinion within 90 days shall create a rebuttable presumption that a referral described in the completed advisory opinion request is not or will not be a violation of the Self-Referral Act.

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- d) During the course of review, the State Board may determine that supplemental information is required to make its decision. The State Board may request such information and defer action on the request to a later date occurring within the 90 day review period.

- 1) Heading of the Part: Infertility Coverage
- 2) Code Citation: 50 Ill. Adm. Code 2015

3) Section Numbers: Proposed Action:

| | |
|---------|-------------|
| 2015.10 | New Section |
| 2015.20 | New Section |
| 2015.30 | New Section |
| 2015.40 | New Section |
| 2015.50 | New Section |
| 2015.60 | New Section |

- 4) Statutory Authority: Implementing Section 356m of the Illinois Insurance Code, entitled Infertility Coverage (Ill. Rev. Stat. 1991, ch. 73, par. 968m) and Section 5-3 of the Health Maintenance Organization Act (Ill. Rev. Stat. 1991, ch. 111, par. 1411.2) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013).

- 5) A Complete Description of the Subjects and Issues Involved:
This Part will establish standards for infertility coverage. The proposed standards include: definition of terms, benefit levels and permissible exclusions.

- 6) Will this proposed rule replace emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This proposed rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULE

David Van Lieshout, Assistant Chief Counsel
Department of Insurance
320 West Washington
Springfield, Illinois 62767

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this proposal will not affect small businesses.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULESTITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER Z: ACCIDENT AND HEALTH INSURANCEPART 2015
INFERTILITY COVERAGE

| Section | Purpose |
|---------|-----------------------------|
| 2015.10 | Applicability and Scope |
| 2015.20 | Definitions |
| 2015.30 | Oocyte Retrieval Limitation |
| 2015.40 | Minimum Benefit Standards |
| 2015.50 | Permissible Exclusions |

AUTHORITY: Implementing Section 356m of the Illinois Insurance Code, entitled Infertility Coverage (Ill. Rev. Stat. 1991, ch. 73, par. 968m) and Section 5-3 of the Health Maintenance Organization Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1411.2) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013).

SOURCE: Adopted at 17 Ill. Reg. _____, effective _____.

Section 2015.10 Purpose

The purpose of this Part is to establish uniform definitions of terms associated with infertility coverage and to establish minimum benefit standards for infertility coverage to be provided in this State.

Section 2015.20 Applicability and Scope

This Part shall apply to all group accident and health insurance policies and health maintenance organization group contracts which provide pregnancy related benefits for employees of an employer which has more than 25 employees at the time of issue or renewal thereof, and which are, issued, amended, delivered or renewed in this State on or after the effective date of this Part.

Section 2015.30 Definitions

Artificial Insemination (AI) means the introduction of sperm into a woman's vagina or uterus by noncoital methods, for the purpose of conception.

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Assisted Reproductive Technologies (ART) means treatments and/or procedures in which the human oocytes are retrieved and the human oocytes and/or embryos are manipulated in the laboratory. ART shall include prescription drug therapy used during the cycle where an oocyte retrieval is performed.

Embryo means a fertilized egg that has begun cell division and has completed the pre-embryonic stage.

Embryo Transfer means the placement of the pre-embryo into the uterus or, in the case of zygote intrafallopian tube transfer, into the fallopian tube.

Gamete means a reproductive cell. In a man, the gametes are sperm; in a woman, they are eggs or ova.

Gamete Intrafallopian Tube Transfer (GIFT) means the direct transfer of a sperm/egg mixture into the fallopian tube. Fertilization takes place inside the tube.

Infertility means the inability to conceive after one year of unprotected sexual intercourse or the inability to sustain a successful pregnancy. Section 356m(c) of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 968m).

Infertility Coverage means insurance or health maintenance organization coverage required by Section 356m of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 968m) for the diagnosis and treatment, including prescription drug therapy, of infertility.

In Vitro Fertilization (IVF) means a process in which an egg and sperm are combined in a laboratory dish where fertilization occurs. The fertilized and dividing egg is transferred into the woman's uterus.

Low Tubal Ovum Transfer means the procedure in which oocytes are transferred past a blocked or damaged section of the fallopian tube to an area closer to the uterus.

Oocyte means the female egg or ovum, formed in an ovary.

Oocyte Retrieval means the procedure by which eggs are obtained by inserting a needle into the ovarian follicle and removing the fluid and the egg by suction. Also called ova aspiration.

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Pregnancy Related Benefit means benefits that cover any related medical condition that may be associated with pregnancy, including complications of pregnancy.

Uterine Embryo Lavage means a procedure by which the uterus is flushed to recover a preimplantation embryo.

Zygote means a fertilized egg before cell division begins.

Zygote Intrafallopian Tube Transfer (ZIFT) means a procedure by which an egg is fertilized in vitro and the zygote is transferred to the fallopian tube at the pronuclear stage before cell division takes place. The eggs are harvested and fertilized on one day and the embryo is transferred at a later time.

Section 2015.40 Oocyte Retrieval Limitation

For treatments that include oocyte retrievals, coverage for such treatments is not required if the covered individual has already received four completed oocyte retrievals, per lifetime of said individual; except that if a live birth follows a completed oocyte retrieval, then coverage is required for two additional completed oocyte retrievals.

Section 2015.50 Minimum Benefit Standards

- a) A unique copayment or deductible may not be applied to coverage for ART or for prescription drug therapy used in conjunction with ART;
- b) All diagnosis and treatment for the disease infertility shall be covered the same as any other illness or condition under the contract.

Section 2015.60 Permissible Exclusions

- a) Reversal of voluntary sterilization;
- b) Payment for medical services rendered to a surrogate for purposes of child birth;
- c) Costs associated with cryo preservation and storage of sperm, eggs, and embryos; provided, however, subsequent procedures of a medical nature necessary to make use of the cryo preserved substance shall not be similarly excluded if deemed non-experimental and non-investigational;

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Aid to The Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: Proposed Action:
 113.253 Amendment
 113.260 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13)
- 5) Complete Description of the Subjects and Issues Involved:
 To comply with federal regulations, this rulemaking increases the grant adjustment and shelter care rate amounts by the amount of the increase in the SSI benefit to ensure that the cost of living increase is passed on to the recipient.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

| Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|---|
| 113.9 | Amendment | September 4, 1992 (16 Ill. Reg. 13383) |
| 113.154 | Repeal | October 2, 1992 (16 Ill. Reg. 14999) |
| 113.309 | Amendment | November 20, 1992 (16 Ill. Reg. 17457) |
| 113.330 | New Section | September 25, 1992 (16 Ill. Reg. 14533) |
| 113.410 | New Section | September 25, 1992 (16 Ill. Reg. 14533) |
| 113.425 | Amendment | November 6, 1992 (16 Ill. Reg. 17047) |
| 113.430 | Amendment | November 6, 1992 (16 Ill. Reg. 17047) |
| 113.450 | Amendment | November 20, 1992 (16 Ill. Reg. 17457) |

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this Proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave.

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- d) Selected termination of an embryo; provided, however, that where the life of the mother would be in danger were all embryos to be carried to full term, said termination shall be covered;
- e) Non-medical costs of an egg or sperm donor;
- f) Travel costs not medically necessary or mandated by the insurer or health maintenance organization;
- g) Infertility treatments deemed experimental in nature. However, where infertility treatment includes elements which are not experimental in nature along with those which are to the extent services may be delineated and separately charged, those services which are not experimental in nature shall be covered. No insurer or HMO required to provide infertility coverage shall deny reimbursement for an infertility service or procedure on the basis that such service or procedure is deemed experimental or investigational unless supported by the determination of the American Fertility Society or the American College of Obstetrics. Coverage is required for all procedures specifically listed in Section 356m of the Illinois Insurance Code entitled, Infertility Coverage (Ill. Rev. Stat. 1991, ch. 73, par. 968m), regardless of experimental status.

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E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

113.1 Description of the Assistance Program
113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
113.9 Client Cooperation

EMERGENCY

113.10 Citizenship
113.20 Residence
113.30 Age
113.40 Blind
113.50 Disabled
113.60 Living Arrangement
113.70 Institutional Status
113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Farmarked Income
113.107 Lump Sum Payments and Income Tax Refunds
113.108 Protected Income (Repealed)
113.109 Earned Income (Repealed)
113.110 Budgeting Earned Income (Repealed)
113.111 Protected Income
113.112 Earned Income
113.113 Exempt Unearned Income
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115 Initial Employment

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113.116 Budgeting Earned Income For Contractual Employees
 113.117 Budgeting Earned Income For Non-contractual School Employees
 113.118 Termination of Employment
 113.120 Exempt Earned Income
 113.125 Recognized Employment Expenses
 113.130 Income From Work/Study/Training Programs
 113.131 Earned Income From Self-Employment
 113.132 Earned Income From Roomer and Boarder
 113.133 Earned Income From Rental Property
 113.134 Earned Income In-Kind
 113.139 Payments from the Illinois Department of Children and Family Services
 113.140 Assets
 113.141 Exempt Assets
 113.142 Asset Disregard
 113.143 Deferral of Consideration of Assets
 113.154 Property Transfers For Applications Filed Prior To October 1, 1989
 113.155 Property Transfers For Applications Filed On Or After October 1, 1989
 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
 113.157 Sponsors of Aliens
 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
 113.245 Payment Levels for AABD
 113.246 Personal Allowance
 113.247 Personal Allowance Amounts
 113.248 Shelter
 113.249 Utilities and Heating Fuel
 113.250 Laundry
 113.251 Telephone
 113.252 Transportation, Lunches, Special Fees
 113.253 Allowances for Increase in SSI Benefits
 113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
 113.255 Sheltered Care in a Licensed Group Care Facility
 113.256 Shopping Allowance
 113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
 113.258 Home Delivered Meals
 113.259 AABD Fuel and Utility Allowances By Area
 113.260 Sheltered Care Rates
 113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

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SUBPART E: OTHER PROVISIONS

Section
 113.300 Persons Who May Be Included In the Assistance Unit
 113.301 Grandfathered Cases
 113.302 Interim Assistance (Repealed)
 113.303 Special Needs Authorizations
 113.304 Retrospective Budgeting
 113.305 Budgeting Schedule
 113.306 Purchase and Repair of Household Furniture (Repealed)
 113.307 Property Repairs and Maintenance
 113.308 Excess Shelter Allowance
 113.320 Redetermination of Eligibility
 113.330 Attorney's Fees for VA Appellants
 EMERGENCY

SUBPART F: INTERIM ASSISTANCE

Section
 113.400 Description of the Interim Assistance Program
 113.405 Pending SSI Application
 113.410 More Likely Than Not Eligible for SSI
 EMERGENCY
 113.415 Non-Financial Factors of Eligibility
 113.420 Financial Factors of Eligibility
 113.425 Payment Levels for Chicago Interim Assistance Cases
 EMERGENCY
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago
 EMERGENCY
 113.435 Medical Eligibility
 113.440 Attorney's Fees for SSI Applicants
 113.445 Advocacy Program for Persons Receiving Interim Assistance
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3

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Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8

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Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg.

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9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

- a) An allowance for \$243.99 \$255.90 is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.
- b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10.00 is authorized. Individuals receiving Interim Assistance or residing in long term group care facilities do not receive any "grant adjustment".

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 113.260 Sheltered Care Rates

| Group II Counties | Needs Assessment | Group III Counties |
|----------------------|---------------------|-----------------------|
| \$640.66 652.55 | 0-7 | \$663.56 664.55 |
| 646.66 657.55 | 8 | 668.56 670.55 |
| 660.66 662.55 | 9 | 664.55 676.55 |
| 655.56 667.55 | 10 | 670.56 682.55 |
| 660.66 672.55 | 11 | 676.66 688.55 |
| 666.66 677.55 | 12 | 682.66 694.55 |
| 670.66 682.55 | 13 | 688.56 700.55 |
| 675.56 687.55 | 14 | 694.65 706.55 |
| 680.66 692.55 | 15 | 700.66 712.55 |
| 685.56 697.55 | 16 | 706.66 718.55 |
| 690.66 702.55 | 17 | 712.55 724.55 |
| 696.66 707.55 | 18 | 718.56 730.55 |
| 700.66 712.55 | 19 | 724.56 736.55 |
| 706.66 717.55 | 20 | 730.56 742.55 |

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Section 113.260 (continued)

| Group II Counties | Needs Assessment | Group III Counties |
|----------------------|---------------------|-----------------------|
| 710.56 722.55 | 21 | 736.55 748.55 |
| 716.56 727.55 | 22 | 742.55 754.55 |
| 720.56 732.55 | 23 | 748.55 760.55 |
| 725.56 737.55 | 24 | 754.65 766.55 |

- a) Group II Counties are counties other than Cook, DuPage, Kane, Lake and Will.
- b) Group III Counties are Cook, DuPage, Kane, Lake and Will.
- c) Rate includes shelter factor and approved activity and social rehabilitation programs.

AGENCY NOTE: See 89 Ill. Adm. Code 140.850 through 140.885 for needs assessment guidelines.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Medical Assistance Programs

12) Initial Regulatory Flexibility Analysis:

2) Code Citation: 89 Ill. Adm. Code 120

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable

3) Section Numbers:

B) Types of small businesses affected: None

120.70 Amendment

120.73 New Section

120.75 New Section

C) Reporting, bookkeeping or other procedures required for compliance: None

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq. and 12-13)

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

5) Complete Description of the Subjects and Issues Involved:

Effective January 1, 1993, Section 4501 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 requires payment of Medicare Part B premiums for certain individuals. These persons are referred to as Specified Low-Income Medicare Beneficiaries (SLIBs). They are persons who meet all the eligibility requirements for Qualified Medicare Beneficiary (QMB) status except income is more than the QMB income limit but does not exceed 110 percent of the Federal Poverty Level (FPL).

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

| Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|---|
| 120.385 | Repeal | September 25, 1992 (16 Ill. Reg. 14544) |

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64 Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

DEPARTMENT OF PUBLIC AID

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SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section
120.70

Supplementary Medical Insurance Benefits, (SMIB) Buy-In Program Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)

120.73

Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)

120.74

Qualified Medicare Beneficiary (QMB) Income Standard

120.75

Specified Low-Income Medicare Beneficiary (SLIB) Income Standard

120.76

Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80

Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90
120.91

Migrant Medical Program
Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.200

Elimination Of Aid To The Medically Indigent

120.208

Client Cooperation (Repealed)

120.210

Citizenship (Repealed)

120.211

Residence (Repealed)

120.212

Age (Repealed)

120.215

Relationship (Repealed)

120.216

Living Arrangement (Repealed)

120.217

Supplemental Payments (Repealed)

120.218

Institutional Status (Repealed)

120.224

Foster Care Program (Repealed)

120.225

Social Security Numbers (Repealed)

120.230

Unearned Income (Repealed)

120.235

Exempt Unearned Income (Repealed)

120.236

Education Benefits (Repealed)

120.240

Unearned Income In-Kind (Repealed)

120.245

Earmarked Income (Repealed)

120.250

Lump Sum Payments and Income Tax Refunds (Repealed)

120.255

Protected Income (Repealed)

120.260

Earned Income (Repealed)

120.261

Budgeting Earned Income (Repealed)

120.262

Exempt Earned Income (Repealed)

120.270

Recognized Employment Expenses (Repealed)

DEPARTMENT OF PUBLIC AID

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120.271 Income From Work/Study/Training Program (Repealed)
 120.272 Earned Income From Self-Employment (Repealed)
 120.273 Earned Income From Roomer and Boarder (Repealed)
 120.275 Earned Income In-Kind (Repealed)
 120.276 Payments from the Illinois Department of Children and Family Services (Repealed)
 120.280 Assets (Repealed)
 120.281 Exempt Assets (Repealed)
 120.282 Asset Disregards (Repealed)
 120.283 Deferral of Consideration of Assets (Repealed)
 120.284 Spend-down of Assets (AMI) (Repealed)
 120.285 Property Transfers (Repealed)
 120.290 Persons Who May Be Included in the Assistance Unit (Repealed)
 120.295 Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
 120.308 Client Cooperation
 120.309 Caretaker Relative
 120.310 Citizenship
 120.311 Residence
 120.312 Age
 120.313 Blind
 120.314 Disabled
 120.315 Relationship
 120.316 Living Arrangements
 120.317 Supplemental Payments
 120.318 Institutional Status
 120.319 Assignment of Rights to Medical Support and Collection of Payment
 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
 120.324 Foster Care Program
 120.325 Social Security Numbers
 120.330 Unearned Income
 120.332 Budgeting Unearned Income
 120.335 Exempt Unearned Income
 120.336 Education Benefits
 120.338 Incentive Allowance
 120.340 Unearned Income In-Kind
 120.342 Court Ordered Child Support Payments of Parent/Step-Parent
 120.345 Earmarked Income
 120.346 Medicaid Qualifying Trusts

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120.350 Lump Sum Payments and Income Tax Refunds
 120.355 Protected Income
 120.360 Earned Income
 120.361 Budgeting Earned Income
 120.362 Exempt Earned Income
 120.364 Earned Income Exemption
 120.366 Exclusion From Earned Income Exemption
 120.370 Recognized Employment Expenses
 120.371 Income From Work/Study/Training Programs
 120.372 Earned Income From Self-Employment
 120.373 Earned Income From Roomer and Boarder
 120.375 Earned Income In Kind
 120.376 Payments from the Illinois Department of Children and Family Services
 120.379 Assessment of Assets
 120.380 Assets
 120.381 Exempt Assets
 120.382 Asset Disregard
 120.383 Deferral of Consideration of Assets
 120.384 Spend-down of Assets (MANG)
 120.385 Property Transfers for Applications Filed Prior to October 1, 1989
 120.386 Property Transfers Effective for Applications Filed on or After October 1, 1989
 120.390 Persons Who May Be Included in the Assistance Unit
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
 120.395 Payment Levels for MANG
 120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq, and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979;

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amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 111, Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27,

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1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11832, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 6, 1989; for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at

14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section 120.70 Supplementary Medical Insurance Benefits, (SMIB) Buy-In Program

a) The Department shall pay the premium for Supplementary Medical Insurance benefits (SMIB) (Part B of Medicare) for specified clients in accordance with the buy-in agreement with the Social Security Administration (SSA) and the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360). Individuals may previously have enrolled in SMIB themselves or they will be enrolled by the Department.

b) Eligible Individuals

1) The Department shall pay the SMIB premium for the following individuals:

- A) individuals who receive financial assistance (including zero grant) under the AABD or AFDC program;
- B) individuals who, except for the Social Security benefit increase of 1972 (42 CFR 435.134), would still be eligible to receive cash assistance as an aged, blind or disabled person (89 Ill. Adm. Code 113) and who are eligible for both SMIB and the Department's Medicaid program (89 Ill. Adm. Code 120);

Section 120.70(b)(1) (continued)

C) individuals with Supplemental Security Income (SSI) income who receive full Medicaid benefits under the AABD program; and

D) Qualified Medicare Beneficiaries (QMB)s (see Section 120.72).

E) Specified Low-Income Medicare Beneficiaries (SLIB)s (see Section 120.73).

2) Individuals who qualify under Subsections (b)(1)(A) thru (b)(1)(C) above may include individuals not eligible for Part A of Medicare (see Title XVIII of the Social Security Act).

c) Beginning Eligibility

1) Individuals who qualify under (b)(1)(A), (b)(1)(B) or (b)(1)(C) shall be added to the SMIB Buy-in Program for the first month in which they are eligible for both SMIB enrollment and medical assistance. Recipients shall remain in the Buy-in Program while in \$0 grant status and for any month in which they qualify under (b)(1)(A) thru (b)(1)(D) above.

2) Individuals who qualify under subsection (b)(1)(D) shall be added to the SMIB Buy-in Program for the first month following the month in which they are determined eligible for QMB status. Recipients shall remain in the SMIB Buy-in Program for any month in which they qualify under subsection (b)(1)(A) thru (b)(1)(D) above.

3) Individuals who qualify under subsection (b)(1)(E) may be added to the SMIB Buy-in Program effective three months prior to the month of application for SLIB benefits only or SLIB benefits and medical assistance.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 120.73

Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)

a) Eligibility for Medicaid payment of Medicare Part B premiums exists for Specified Low-Income Medicare Beneficiaries (SLIB)s. A SLIB is an individual who:

Section 120.73 (continued)

- 1) is a beneficiary of Medicare Part A (i.e. Hospital Insurance);
- 2) meets the general non-financial factors of eligibility for the Medicaid Program (see Sections 120.310, 120.311, 120.319 and 120.325);
- 3) has countable monthly income which exceeds the Qualified Medicare Beneficiary (OMB) income standard (see Section 120.74), but is less than or equal to the SLIB income standard; and
- 4) has countable assets which do not exceed the OMB asset disregard (see Section 120.382(d)).

b) When considering Social Security Benefits, the monthly amount to consider for January through the month following the month in which the annual Federal Poverty Level amounts are announced will not include the annual Retirement Survivors Disability Insurance (RSDI) Cost of Living Adjustment (COLA). For all other months of the year the full amount of RSDI benefits will be considered.

c) SLIBs may be eligible for the full range of Medicaid services (see 89 Ill. Adm. Code 140) only if they meet all eligibility requirements for Medicaid (see 89 Ill. Adm. Code 120).

d) Eligibility for Medicaid Payment of Medicare Part B premiums is effective three months prior to the month of application.

e) SLIBs are eligible for Medicaid payment of Medicare Part B premiums. (See Title XVIII of the Social Security Act.) in accordance with Sections 120.70 and 89 Ill. Adm. Code 140.21.

f) Eligibility for SLIB status will be redetermined at least every twelve (12) months.

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standard

The SLIB income standard is equal to a percentage of the then current Federal Poverty Level Income Guidelines as published annually in the Federal Register for the size of the household. If the household's countable monthly income (see 89 Ill. Adm. Code 112, 113, 120) exceeds the SLIB income standard, eligibility for SLIB status does not exist. The applicable percentage is as follows:

Section 120.75 (continued)

January - December 1993 - 110%

(Source: Added at 17 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS1) Heading of the Part: Food Service Sanitation Code2) Code Citation:

77 Ill. Adm. Code 750

3) Section Numbers:

750.540

750.1810

750.1820

750.1830

750.1855

750.1865

750.Appendix B

750.Appendix C

750.Appendix E

4) Statutory Authority:

The Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 501 et seq.)

The Food Service Handling Regulation Enforcement Act (Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 330 et seq.) as amended by P.A. 86-704, effective January 1, 1990

The Sanitary Food Preparation Act (Ill. Rev. Stat. 1991, ch. 56 1/2 pars. 66.90 et seq.)

5) A Complete Description of the Subjects and Issues Involved:

The Food Service Sanitation Manager Certification Program and existing rules provide for the education, testing and certification of food service sanitation managers. The purpose of the program is to educate the food service sanitation manager in safe food handling techniques, basic sanitation and employee training techniques. The proposed rules have been updated to provide clear, uniform guidelines. These rules were developed with input from the Food Service Sanitation Committee, National Conference for Food Protection Elements of Knowledge for a food service manager, an Illinois Department of Central Management Services test development specialist, several national testing organizations and other interested individuals. All comments and recommendations were considered and most have been incorporated into the final proposed text.

The Department was approached by an independent testing organization seeking approval for use of their food service managers test in Illinois. As a result of this request, the Department

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

convened the Food Service Sanitation Committee which is composed of local and state regulatory agencies, academia, members of the food industry, approved Food Service Sanitation Manager Certification Instructors, testing organizations and other interested individuals. The committee agreed it was more effective to set criteria for approval and operations of testing organizations rather than naming each approved testing organization in the rules.

Other areas of the training and certification program for food service sanitation managers were examined by the committee. Additions and clarifications were made to the rules to correct problems in the operation and administration of the program. One change removes the 6 month exemption from having a certified food service sanitation manager for new food establishments and requires presence of a certified manager or documented enrollment in an approved course to be completed within three months. This change was made in response to the special need for knowledgeable management during start up operations.

Provision was made for a new course content taught by approved instructors of the food service sanitation manager training course. The old course content will be replaced by a new course content that includes Hazard Analysis Critical Control Point (HACCP) and in-depth training on specific subject areas that contribute to foodborne outbreaks. These changes were based on specific elements of knowledge for food service sanitation managers developed by the Conference of Food Protection as part of a national standard to encourage reciprocity between states.

Other changes include prevention of Illinois Department of Public Health employees from teaching the training course, submission of a monitor's agreement form, clarification of who may monitor state of Illinois examinations, and submission of monitoring criteria from all approved organizations who develop and administer examinations. The intent of these additions is to ensure security for the test and to prevent any ethical or financial conflict of interest.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes ☐ No ☒7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒If "yes," please specify the date: N/A 8) Does this Rulemaking Contain any Incorporations by Reference? Yes ☐ No ☒If "yes," please specify type: 6.02(a) or 6.06(b)

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9) Are there any Other Proposed Amendments Pending on this Part? Yes No X

If yes:

Section Numbers Proposed Action Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

The objective of the proposed amendment is to set criteria for approval of organizations who develop and administer food service sanitation manager examinations for certification, to provide for increased security measures during monitoring of examinations and to allow for an updated course content in the training course for food service sanitation managers.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Food Service Establishments
Food Service Sanitation Manager Certification Instructors

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Testing organizations must submit documentation as addressed in proposed rules (examination development, reporting statistics, test results, etc.) and examination monitors must submit a form.

D) Types of Professional Skills Necessary for Compliance:

Testing organizations seeking approval must exhibit adequate psychometric test development skills and resources for administering the food service sanitation managers examination.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS
TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS
PART 750
FOOD SERVICE SANITATION CODE

SUBPART A: GENERAL PROVISIONS

SECTION
750.5
750.10
750.20

Incorporated Materials
Definitions
Inspections and Inspection Report

SUBPART B: FOOD SUPPLIES

SECTION
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750.240
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750.290
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750.320
750.330

General
Special Requirements
General - Food Protection
General - Food Storage
Refrigerated Storage
Hot Storage
Damaged Food Containers
General - Food Preparation
Raw Fruits and Raw Vegetables
Cooking Potentially Hazardous Foods
Dry Milk and Dry Milk Products
Liquid, Frozen, Dry Eggs and Egg Products
Reheating
Nondairy Products
Product Thermometers
Thawing Potentially Hazardous Foods
Food Display and Service of Potentially Hazardous Food
Display Equipment
Reuse of Tableware
Dispensing Utensils
Ice Dispensing
Condiment Dispensing
Milk and Cream Dispensing
Re-Service
General - Food Transportation

SUBPART C: PERSONNEL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SECTION

750.500 General - Employee Health
 750.510 General - Personal Cleanliness
 750.520 General - Clothing
 750.530 General - Employee Practices
 750.540 Management Sanitation Training and Certification
 750.550 Management Sanitation Certification Examination (Repealed)
 750.551 Certificate Issuance
 750.560 Certificate Revocation or Suspension

SUBPART D: EQUIPMENT AND UTENSILS

SECTION

750.600 General - Materials
 750.610 Solder
 750.620 Wood
 750.630 Plastics
 750.640 Mollusk and Crustacea Shells
 750.650 General - Design and Fabrication
 750.660 Accessibility
 750.670 In-Place Cleaning
 750.680 Thermometers
 750.690 Non-Food-Contact Surfaces
 750.700 Ventilation Hoods
 750.710 General - Equipment Installation and Location
 750.720 Table-Mounted Equipment
 750.730 Portable Equipment
 750.740 Floor-Mounted Equipment
 750.750 Aisles and Working Spaces

SUBPART E: CLEANING, SANITIZING, AND STORAGE OF EQUIPMENT AND UTENSILS

SECTION

750.800 Cleaning Frequency
 750.810 Wiping Cloths
 750.820 Manual Cleaning and Sanitizing
 750.830 Mechanical Cleaning and Sanitizing
 750.840 Drying
 750.850 Equipment, Utensil, and Tableware Handling
 750.860 Equipment, Utensil, and Tableware Storage
 750.870 Pre-Set Tableware
 750.880 Single-Service Articles
 750.890 Prohibited Storage Area

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SUBPART F: SANITARY FACILITIES AND CONTROLS

SECTION

750.1000 General - Water Supply
 750.1010 Transportation
 750.1020 Bottled Water
 750.1030 Water Under Pressure
 750.1040 Steam
 750.1050 General - Sewage Disposal
 750.1060 General - Plumbing
 750.1070 Nonpotable System
 750.1080 Backflow
 750.1090 Grease Traps
 750.1100 Drains
 750.1110 General - Toilet Facilities
 750.1120 General - Lavatory Facilities
 750.1130 Containers - Garbage and Refuse
 750.1140 Garbage and Refuse Storage
 750.1150 Disposal of Garbage and Rubbish
 750.1160 General - Insect and Rodent Control
 750.1170 Protection of Openings Against Entrance of Insects and Rodents

SUBPART G: CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

SECTION

750.1200 General - Floors
 750.1210 General - Walls and Ceilings
 750.1220 General - Cleaning Physical Facilities
 750.1230 General - Lighting
 750.1240 Protective Light Shielding
 750.1250 General - Ventilation
 750.1260 Special Ventilation
 750.1270 Dressing Areas
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 750.1290 Poisonous or Toxic Materials Permitted
 750.1300 Labeling of Poisonous or Toxic Materials
 750.1310 Storage of Poisonous or Toxic Materials
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 750.1330 Personal Medications
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 750.1350 General - Premises
 750.1360 Living Areas
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750.1390 Cleaning Equipment Storage
750.1400 Animals

SUBPART H: MOBILE FOOD SERVICE

SECTION
750.1500 General - Mobile Food Units
750.1510 Restricted Operation
750.1520 Single-Service Articles
750.1530 Water Systems
750.1540 Waste Retention
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750.1560 Servicing Area
750.1570 Servicing Operations

SUBPART I: TEMPORARY FOOD SERVICE

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750.1600 General - Temporary Food Service Establishments
750.1610 Restricted Operations
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SUBPART J: FOOD SERVICE SANITATION MANAGER CERTIFICATION

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750.1855 Testing Criteria
750.1860 Examination Notification
750.1861 Class Enrollment Form
750.1862 Administration of Examination
750.1865 Monitors
750.1868 Cheating
750.1870 Re-test Class
750.1876 Dictionary
750.1880 Retake Examination
750.1890 Certificates
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750. Appendix A Retail Food Sanitary Inspection Report
750. Appendix B Examination Date Notification Form
750. Appendix C Class Enrollment Form
750. Appendix D Permission to Retake Certification Examination Form
750. Appendix E Monitor's Agreement Form

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 501 et seq.) and the Sanitary Food Preparation Act (Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 66.90 et seq.) and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 521) and Section 11.1 of the Sanitary Food Preparation Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 77.1) and the Food Handling Regulation Enforcement Act (Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 330 et seq.).

SOURCE: Adopted December 23, 1975; amended at 2 Ill. Reg. 19, P. 180, effective May 3, 1978; old rules repealed and new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 7 Ill. Reg. 16415, effective November 23, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. 19975, effective January 1, 1991; amended at 14 Ill. Reg. 20535, effective January 1, 1991; amended at 16 Ill. Reg. 15995, effective October 1, 1992; amended at 17 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 750.540 Management Sanitation Training and Certification

- a) All food service establishments as defined in Section 750.10 shall be under the operational supervision of a certified food service sanitation manager or supervisor.
A minimum of one, full-time certified food service sanitation manager supervisor shall be required at each establishment is required; provided, however:

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- 1) ~~That a~~ New food service establishments shall have a certified food service sanitation manager ~~six (6) months~~ from the initial day of operation to comply or provide documentation of enrollment in an approved course to be completed within three (3) months to comply.
- 2) ~~That a~~ Food service establishments which are not in compliance because of employee turnover or other loss of certified personnel, shall have three (3) months from date of loss of certified personnel to comply.
- b) Certification shall be achieved by:
 - 1) Successfully completing a department approved course and monitored examination offered by a testing organization in compliance with the criteria in Subpart J of this Part. ~~the Illinois Department of Public Health, the Educational Foundation (250 North Wacker Drive, Chicago, Illinois 60606), or the Educational Testing Service (1 Rotary Center, Suite 300, 1560 Sherman Avenue, Evanston, Illinois 60201.)~~ An approved course and examination shall be in compliance with Subpart J of this Part.
 - 2) Payment to the Department of a \$35 certificate fee.
 - c) Original certificates ~~Names and certificate numbers~~ of certified personnel shall be maintained at the place of business and shall be made available for inspection.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 750.1810 Instructor Approval

The Food Service Sanitation Manager's Certification course must be taught by a Department approved instructor. The minimum qualifications for a Department approved instructor are:

- a) Possession of a high school diploma or its equivalent.
- b) ~~Possession of a valid State of Illinois Food Service Sanitation Manager Certificate. Completion of a Department approved Food Service Sanitation Certification course or its equivalent.~~
- e) ~~Completion of the Illinois Department of Public Health, Educational Foundation or the Educational Testing Service's Food Service Sanitation Certification monitored examination with a final score of 75% or higher.~~
- c)d) Completion of the Department Food Service Sanitation Manager Certification Instructor's examination with a final score of 90% or higher. An individual can attempt the instructor's examination twice. If they do not receive a final score of

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90% or higher after the second attempt, they must take an approved Food Service Sanitation Manager Certification course again prior to retaking the instructor's examination.

d)e) Attendance of at least one five-hour training seminar every two and one half years. The seminar shall cover food safety and sanitation topics. The following are examples of proof of such attendance:

- 1) A college transcript with course description, or
- 2) A certificate of completion of the course with the course description.
- 3) Documentation of continuing education contact hours for training from a professional organization.
- e) Employees of the Illinois Department of Public Health are not eligible to teach the Food Service Sanitation Manager Certification course while employed by the Department.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 750.1820 Course Content

- a) The minimum course content and fifteen hours of training is as follows. The instructor should consider expanding the number of contact hours when a review of the participants reveals learning disabilities, language barriers or other inhibiting factors to learning. In order to renew an instructor's certificate, a new syllabus must be submitted using the format below.

| Subject Area | Hours |
|---|-------|
| t) Food | 4 |
| b) <ol style="list-style-type: none"> A) Foodborne Disease: problem, cause, prevention; B) Food Protection: source, receipt, storage, preparation, service, transportation; 2) Facilities <ol style="list-style-type: none"> A) Sanitary: water and waste disposal, handwashing, plumbing; B) Cleaning/Sanitizing: dishwashing operations, storage of cleaned equipment and utensils, housekeeping, schedules; | 4 |

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B) Recognize the major microorganisms and toxins that can contaminate food and the problems that can be associated with the contamination: bacteria, viruses, parasites, fungi.

C) Define and recognize potentially hazardous foods.

D) Define and recognize illnesses that can be associated with chemical and physical contamination.

E) Define and recognize the major contributing factors for foodborne illness.

F) Recognize how microorganisms cause foodborne disease.

2) Identify time/temperature relationship with foodborne illness. 2

A) Recognize the relationship between time/temperature and microorganisms (survival, growth, and toxin production) during the following stages: receiving, storing, thawing, cooking, holding/displaying, serving, cooling, storing (post production), reheating, transporting.

B) Describe the use of thermometers in monitoring food temperatures: types of thermometers, techniques and frequency, calibration and frequency.

3) Describe the relationship between personal hygiene and food safety. 3

A) Recognize the association of hand contact and foodborne illness: hand washing technique and frequency, proper use of gloves including replacement frequency, minimal hand contact with food.

B) Recognize the association of personal habits and behaviors and foodborne illness: smoking, eating and drinking, wearing clothing that may contaminate food, personal behaviors including sneezing, coughing, etc.

C) Recognize the association of health of a foodhandler to foodborne illness: free of symptoms of communicable disease, free of infections, food protected from contact with open wounds.

D) Recognize how policies, procedures and management contribute to improved food hygiene practices: self inspection program, pest control program, cleaning schedules and procedures, equipment and

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C) Non food Suppliers: single service items, linens, toxic materials.

D) Physical: building construction, ventilation, lighting, insect/rodent control, safe environment.

3) Food Handlers 2

A) Personal Hygiene: proper dress, handwashing, habits, exclusion when ill.

B) Food Handling Practices: minimum handling, use of utensils.

4) Codes Related to Food service Establishments 3

A) Public Health Codes & Regulations: responsibilities affecting operation.

i) Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat., 1991, ch. 56 1/2, par. 501 et seq.)

ii) Food Service Sanitation Code (77 Ill. Adm. Code 750)

iii) Meat and Poultry Inspection Code (8 Ill. Adm. Code 125) as it pertains to food service establishments.

B) Regulatory Inspection Report and its use as a control tool.

5) Management 3

A) Self inspection: promotion, techniques

B) Motivation: planning to meet sanitation guidelines, economies of safe food handling, safety concerns

C) Personnel Training: management's responsibility, resources, methods.

b) Subject Area - Specific Elements of Knowledge

1) Identify foodborne illness. Hours 2

A) Define terms associated with foodborne illness: outbreak, food infection, food intoxication, communicable disease, pathogens, potentially hazardous foods, temperature danger zone.

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facility maintenance program.

- 4) Describe methods for preventing food contamination from purchasing to serving. 2

- A) Define and identify potential hazards prior to delivery and during delivery: contamination, adulteration, damage, approved source, sound and safe condition.
- B) Identify potential hazards and methods to minimize or eliminate hazards after delivery: personal hygiene, cross contamination (food to food and equipment and utensils), contamination (chemical, additives, physical), service/display - customer contamination, storage, re-service.

- 5) Identify and apply correct procedures for cleaning and sanitizing - equipment and utensils. 2

- A) Define terms associated with cleaning and sanitizing.
- B) Apply principles of cleaning and sanitizing.
- C) Identify materials: equipment, detergent, sanitizer.
- D) Apply appropriate methods of cleaning and sanitizing: manual warewashing, mechanical warewashing, clean in place (CIP).
- E) Identify frequency of cleaning and sanitizing.
- 6) Recognize problems and potential solutions associated with facility, equipment, and layout. 2
- A) Identify facility, design, and construction suitable for food establishments: refrigeration, heating and hot holding, floors, walls, ceilings, pest control, lighting, plumbing, ventilation, water supply, wastewater disposal, waste disposal.

- B) Identify equipment and utensil design and location.

- 7) Codes related to food service establishments 1
- A) Public Health Codes & Regulations: responsibilities affecting operation.

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- i) Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56.1/2, par. 501 et seq.)
- ii) Food Service Sanitation Code (77 Ill. Adm. Code 750)
- iii) Meat and Poultry Inspection Code (8 Ill. Adm. Code 125) as it pertains to food service establishments.

- B) Regulatory Inspection Report and its use as a control tool.

- c) Evaluation Examination +

An examination must be monitored by a Department employee and/or a Department approved monitor.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 750.1830 Course Approval

Course approval by the Department is contingent on the following requirements:

- a) An approved Food Service Sanitation Manager Certification instructor must teach the course.

- b) An approved instructor must sponsor the instructor. Such approved institutions are limited to local health departments, community colleges, universities, institutional training programs or nutrition consultation agencies. Exceptions shall be approved only by the Department based on the instructor's demonstrated ability to provide a location, text books, hand-outs or other references, for example, agreements with bookstores to make references available for sale. Any sponsorship may be revoked or suspended by the Department when the sponsor fails to comply with this Part. Prior to such suspension or revocation, the sponsor shall be given the opportunity for a hearing before the regulatory authority pursuant to the Department's "Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100.)"

- c) An approved course syllabus is to be used. Each course shall meet the standards for content and length of training. The syllabus shall delineate:

- 1) text book and other teaching materials used
- 2) methods and locations used for instructions
- 3) course content
- 4) topics and length of class meeting
- 5) method used to determine students' participation and presence during the course sessions, examples, sign-up sheets, roster, etc.

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- d) Instructors shall submit two copies of the syllabus to the Central Office, Division of Food, Drugs and Dairies, and receive approval prior to teaching a State-approved course, ~~or inform the Central Office of the Division of Food, Drugs and Dairies of the institution-syllabus they are using.~~ Any syllabus content revision shall be sent to Central Office for approval. One syllabus shall be retained by the Central Office, the second will be sent to the applicable Regional Office. ~~The submitted syllabi shall be provisionally approved until the instructor is otherwise notified in writing by the Department.~~
- e) The Department's Food Service Sanitation Manager Certification examination shall not be offered to individuals who participated in a non-approved course or who were taught by a non-approved or inactive instructor unless course waiver applies.
- f) A course must have a minimum of five students. For the examination to be monitored by a Department approved monitor who is employed by the Department of Public Health, there must be a minimum of 10 students.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 750.1855 Testing Criteria

Any organization seeking approval from the Department to develop and administer a Food Service Sanitation Manager Certification examination shall comply with the following criteria:

- a) Each organization seeking approval to develop and administer an examination shall provide background information naming:
- 1) The organization's name, address, telephone number and other identifying information; and
 - 2) a description of the scope of usage of the examination including the time period in use, number of examinations already administered and any government or other agencies already approving the examination.
- b) Each organization shall provide information about the development and administration of the examination for which approval is sought, including:
- 1) formation of the examination questions with number of items in the question bank, source of questions, method of composition, job relatedness; and
 - 2) content validity based on "Specific Elements of Knowledge," Section 750.1820 or job analysis to provide an equivalent description of the knowledge, skills and abilities required of the occupation of food service sanitation manager; and

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- 3) evidence that the examination includes sanitation requirements of the Illinois Food Service Sanitation Code (77 Ill. Adm. Code 750); and
 - 4) actual numerical score resulting from testing
 - 5) methods for periodic review of the examination; and
 - 6) methods used to provide alternate examination forms (retakes) from the bank of questions; and
 - 7) alternate language forms; and
 - 8) item analysis data to show each examination is performing at the same difficulty and reliability levels.
 - 9) policies and procedures used to administer examination.
- c) Each testing organization shall assure security mechanisms which
- 1) provide effective security during preparation, printing, transportation, handling, administration and destruction of the examinations; and
 - 2) ensure approved organization monitors are present during administration of the examinations; and
 - 3) maintain a tracking system for all examinations; and
 - 4) make provisions to remove a particular version if the examination has been compromised.
- d) Each testing organization shall assure administration of examinations in compliance with Subpart J of this Part by
- 1) verifying the eligibility of candidates according to Code requirements; and
 - 2) providing the necessary staff and resources to administer, monitor and grade examinations.
- e) Each testing organization shall collect and make available to the department certain performance criteria:
- 1) statistics following examination development which indicate percentage answering each item correctly, numbers choosing each distractor, reliability estimates, discrimination indexes; and

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- 2) an annual report showing the number of candidates tested, the number passing the examination, the number failing the examination; and
- 3) within 10 working days of each examination, class enrollment information: each candidate's name, home address, social security number (voluntary), passing/failing score, date of examination and names of approved instructor and monitor.

- d) The Department shall reserve the right to audit operations to verify security measures and compliance with this Part.
- g) Each testing organization with an examination previously approved by the Department shall have two years following the effective date of this amendment to provide the requested information.

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 750.1865 Monitors

a) There shall be one monitor for every 35 students taking the examination.

- a)b) Approved monitors for the State examination shall be restricted to individuals in one of the following groups and must complete and submit a monitor's agreement form:

- 1) Illinois Department of Public Health personnel
- 2) Local Health Department personnel
- 3) State institution personnel; i.e. Department of Corrections
- 4) Community colleges or universities sponsored personnel
- 5) ~~Representatives of the Educational Foundation or Educational Testing Service who are monitoring their agency's examinations~~

- b) Testing organizations approved in Section 750.1855 of this Part must submit criteria for approving monitors for their examinations.

- c) The Department reserves the right to determine who may function in the role as a monitor for the State examination. The Department shall revoke permission to serve as a monitor in the event of a breach of test security, provision of assistance to examinees, repeated failure to return exams within a timely manner, cheating, changing of students' answers, duplicating test materials, conflict of interest, and otherwise failing to comply with this Part.

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- d) The monitor shall confirm the identity of the individual who wishes to take the examination by photograph identification, driver's license or student identification card. In the event that the individual does not have a photographic identification card, a legal document which bears the individual's signature shall be acceptable.

- e) The monitor shall confirm that the individual has taken an approved course prior to retaking the examination in one or more of the following methods:

- 1) Instructor at the examination site will confirm that he/she instructed the individual.
- 2) Individual submits the Department fail letter sent to him and the monitor confirms the name and address on the letter against the person's identification.
- 3) Individual submits the "Permission To Retake Certification Examination" form (See Appendix D) which has been signed by the instructor. The monitor must confirm the name listed on the form with the person's identification.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 750. Appendix B Examination Date Notification Form

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
DIVISION OF FOOD, DRUGS & DAIRIES

Food Service Sanitation Manager Certification
Examination Date Notification Form

INSTRUCTOR NAME: _____

I.D. # _____ DAYTIME PHONE: _____

SPONSOR NAME: _____

COURSE INFORMATION

DATES: _____

TIMES: _____

LOCATION: _____

ROOM #: _____

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EXAMINATION INFORMATION

EXAMINATION TYPE: State Educational Foundation
Educational Testing Service Other

NUMBER OF APPLICANTS:

*LOCATION: ROOM #:

EXAMINATION DATE: TIME:

MONITOR NAME:

MAILING ADDRESS:

CITY STATE ZIP

DAYTIME PHONE:

(Mailing address for UPS delivery if applicable)

*If examination location is not the designated Regional location, a completed Appendix E-Monitor's Agreement Form must be attached.

This form must be submitted 30 days prior to the examination date.

Section 750-Appendix B - Examination Date Notification Form

FOOD-SERVICE MANAGER CERTIFICATION

Examination Date Notification

EXAMINATION DATE TYPE: State

EXAMINATION TIME Other (specify)

INSTRUCTOR:

LOCATION

DEPARTMENT OF PUBLIC HEALTH

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ROOM NUMBER

ADDRESS

SPONSOR (INSTITUTION) NAME

CONTACT PERSON

ADDRESS

TELEPHONE

NUMBER OF APPLICANTS

INCLUDE MAP AND/OR DIRECTIONS TO SITE;
PLEASE INDICATE PARKING

(Regional Use)

MONITOR ASSIGNED

*Submit 30 days prior to the examination date to assure that a monitor can be scheduled and/or exams will be available:

1499K/45K

(Source: Amended at 17 Ill. Reg. , effective)

Section 750, Appendix C Class Enrollment Form

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
DIVISION OF FOOD, DRUGS AND DAIRIES

Food Service Sanitation Manager Certification
Class Enrollment Form

Examination Date: Location:

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Examination Date: _____ Location: _____
 Examination Type: State _____ Education Foundation _____
 Educational Testing Service _____ Other _____ ID#: _____
 Instructor's Name: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Daytime Phone: _____
 Sponsor: _____

I _____ certify that I have taught the State Food Service Sanitation Course according to _____

(Instructor)

the State requirement and the individuals listed below are eligible to take the examination.

| | Name (list alphabetically by last name) | Address | City | State | Zip Code | Check If | | Score |
|-----|---|---------|------|-------|-------------|-------------|--|-------|
| | | | | | | | | |
| 1. | | | | | | | | |
| 2. | | | | | | | | |
| 3. | | | | | | | | |
| 4. | | | | | | | | |
| 5. | | | | | | | | |
| 6. | | | | | | | | |
| 7. | | | | | | | | |
| 8. | | | | | | | | |
| 9. | | | | | | | | |
| 10. | | | | | | | | |

Instructor's Signature _____ Date _____ Monitor's Signature _____ Date _____

=====

[FOR REGIONAL USE ONLY]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Region: _____
 Signature: _____

Section 750-Appendix C-Class Enrollment Form

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
 OFFICE OF HEALTH PROTECTION
 DIVISION OF FOOD, DRUGS AND DAIRIES

MEMORANDUM

TO: Illinois Department of Public Health
 Division of Food, Drugs and Dairies

FROM: Region

DATE:

SUBJECT: Class Enrollment Form
 Monitoring of Approved Food Sanitation Examination
 for Certification of Food-Service Personnel

On _____, I monitored/administered the (State) Education Foundation at _____
 (Circle One) _____ (City, College, School)
 Course instruction was provided by: _____

Instructor's Name _____ Representing _____
 Address _____
 City and Zip Code _____
 Phone Number _____ Total number of persons who took the examination _____
 Number of these which are retake examinations _____
 Mail Results to: _____
 (College Instructor Region)

NAME (List Alphabetically) ADDRESS ZIP CODE RETAKE SCORE

1. _____

2. _____

3. _____

4. _____

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Instructor's Signature

Monitor's Signature

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 750 Appendix E Monitor's Agreement Form

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

OFFICE OF HEALTH PROTECTION

Division of Food, Drugs & Dairies

Food Service Sanitation Manager Certification

Monitor's Agreement Form

I, _____, (Name)
representing _____ (LHD, Community College, Agency, etc.)
agree to be the designated monitor for the State of Illinois Food Service
Sanitation Manager Certification examination at _____
and/or in _____ county. I agree to abide by the Food Service

Sanitation Certification examination monitor guidelines as provided by the Illinois Department

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of Public Health, Division of Food, Drugs and Dairies.

Date _____

Monitor Signature

Address

Daytime Telephone Number

(Source: Added at 17 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part:

Illinois Home Health Agency Code

2) Code Citation:

77 Ill. Adm. Code 245

3) Section Numbers:

245.40

Proposed Action:

Amendments

4) Statutory Authority:Home Health Agency Licensing Act
Ill. Rev. Stat. 1991, ch. 111 1/2, par. 2801 et seq.5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 245 set forth requirements for the licensure of home health agencies. The licensure requirements include organization and administration of the agency, staffing and staff responsibilities, services provided, home health aide training programs, annual financial statements, and licensure procedures.

The proposed amendment to the rules will change the supervision requirements for physical therapist assistants. The current rule, which requires supervision at least once during a two-month period if fewer than four to six visits are made by the assistant, is more restrictive than supervision for aides and assistants in other disciplines. The new language will require supervision to take place every four to six visits either when the assistant is present so that the supervisor may observe and assist or when the assistant is absent so that the supervisor may assess relationships and determine whether goals are being met.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the Illinois Register.

6) Will these Proposed Amendments Replace an Emergency Rule Currently in Effect?Yes No X7) Does this Rulemaking Contain an Automatic Repeat Date? Yes No XIf "yes," please specify date: 8) Do these Proposed Amendments Contain Incorporations By Reference? Yes No X

DEPARTMENT OF PUBLIC HEALTH

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If "yes," please specify type: 6.02(a) or 6.02(b) 9) Are there any other Proposed Amendments Pending on this Part? Yes No X

If Yes:

| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Ill. Reg. Citation</u> |
|-----------------------------|-----------------------------|-----------------------------|
| <u> </u> | <u> </u> | <u> </u> |

10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a state mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Proposed Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, within 45 days after this edition of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:B) Type of Small Businesses Affected:

Home health agencies

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None

D) Types of Professional Skills Necessary for Compliance:

None

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

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May 1, 1991; amended at 17 Ill. Reg. _____, effective _____
NOTE: Capitalization denotes statutory language.

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

Section 245.40 Staffing and Staff Responsibilities

a) Administrator. The administrator shall have the following responsibilities:

- 1) Ensure that the agency is in compliance with all applicable Federal, State and Local laws.
- 2) Be familiar with the rules of the Department and maintain them within the agency.
- 3) Familiarize all employees as well as providers through contractual purchase of services with the law and the rules of the Department and make copies available for their use.
- 4) Ensure the completion, maintenance and submission of such reports and records as required by the Department.
- 5) Maintain ongoing liaison with the governing body, professional advisory group, staff members and the community.
- 6) Maintain a current organizational chart to show lines of authority down to the patient level.
- 7) Have the authority for the management of the business affairs and the overall operation of the agency.
- 8) Maintain appropriate personnel records, administrative records and all policies and procedures of the agency.
- 9) Employ qualified personnel in accordance with job descriptions.
- 10) Provide orientation of new staff, regularly scheduled in-service education programs and opportunities for continuing education for the staff.
- 11) Designate in writing the qualified staff member to act in the absence of the administrator.

b) Home Health Aide

- 1) When home health aide services are offered, the services shall be under the supervision of a registered nurse in accordance with the plan of treatment. The home health aide is assigned to a particular patient by a registered nurse. Written instructions for patient care are prepared by a registered nurse or the appropriate therapist.

PART 245
ILLINOIS HOME HEALTH AGENCY CODE

SUBPART A: GENERAL PROVISIONS

Section
245.10 Purpose
245.20 Definitions
245.25 Incorporated and Referenced Materials

SUBPART B: OPERATIONAL REQUIREMENTS

Section
245.30 Organization and Administration
245.40 Staffing and Staff Responsibilities
245.50 Services
245.60 Annual Financial Statement
245.70 Requirements for State Approved Home Health Aide Training Programs

SUBPART C: LICENSURE PROCEDURES

Section
245.80 Licensure Required
245.90 License Application
245.100 Provisional License
245.110 Inspections and Investigations
245.120 Violations
245.130 Adverse Licensure Actions
245.140 Penalties and Fines
245.150 Hearings

AUTHORITY: Implementing and authorized by the Home Health Agency Licensing Act (Ill. Rev. Stat. 1989) ch. 111 1/2, par. 2801 et seq.)

SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829, amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14 Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective

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2) Duties of the home health aide may include:

- A) The performance of simple procedures as an extension of therapeutic services.
- B) Personal care.
- C) Ambulation and exercise of the patient.
- D) Household services essential to health care at home.
- E) Assistance with medications that are ordinarily self-administered.
- F) Reporting changes in the patient's condition and needs to the registered nurse or the appropriate therapist.
- G) Completion of appropriate records.

3) The registered nurse or appropriate therapist shall make a supervisory visit to the patient's residence at least every two weeks either when the home health aide is present to observe and assist, or when the home health aide is absent to assess relationships and determine whether goals are being met.

e) Licensed Practical Nurse

1) The licensed practical nurse may perform selected acts in accordance with the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.), including the administration of treatments and medications in the care of the ill, injured, or infirm, the maintenance of health and prevention of illness, under the direction of a registered nurse.

2) The licensed practical nurse shall report changes in the patient's condition to the registered nurse and these reports shall be documented in the clinical notes.

3) The licensed practical nurse shall prepare clinical notes for the clinical record.

d) Medical Social Worker. When provided, medical social services shall be given by a qualified social worker or by a qualified social work assistant under the supervision of a qualified social worker in accordance with the plan of treatment. These services shall include the following:

- 1) Assists the physician and other members of the health team in understanding significant social and emotional factors related to the patient's health problems.
- 2) Assess the social and emotional factors in order to estimate the patient's capacity and potential to cope with the problems of daily living.
- 3) Helps the patient and family to understand, accept and follow medical recommendations and provide services planned to restore the patient to the optimum

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social and health adjustment within the patient's capacity.

4) Assists patient and family with personal and environmental difficulties which predispose toward illness or interfere with obtaining maximum benefits from medical care.

5) Utilizes all available resources, such as family and community agencies, to assist the patient to resume life in the community or to live within the disability.

6) Observe, record and report social and emotional changes.

7) Prepares clinical and progress notes for the clinical record.

e) Occupational Therapist and Occupational Therapy Assistant. When provided, occupational therapy services shall be given by a qualified occupational therapist or by a qualified occupational therapy assistant under the supervision of a qualified occupational therapist in accordance with the plan of treatment. These services shall include the following:

1) Assist the physician in evaluating the patient's level of function by applying diagnostic and prognostic procedures.

2) Guide the patient in the use of therapeutic creative and self-care activities for the purpose of improving function.

3) Observe, record and report to the physician the patient's reaction to treatment and any changes in the patient's condition.

4) Instruct other health team personnel including, when appropriate, home health aides and family members in certain phases of occupational therapy in which they may work with the patient.

5) Prepares clinical and progress notes for the clinical record.

f) Physical Therapist and Physical Therapist Assistant

1) When provided, physical therapy services shall be given by a qualified physical therapist or by a qualified physical therapist assistant under the supervision of a qualified physical therapist in accordance with the plan of treatment. These services shall include the following:

A) Review and evaluate physician's referral and patient's medical record to determine physical therapy required.

B) Plan and prepare a written treatment program based on the evaluation of available patient data.

C) Perform patient tests, measurements, and evaluations, such as range-of-motion

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and manual muscle tests, gait and functional analyses, and body parts measurements, and record and evaluate findings to aid in establishing or revising specifics of treatment programs.

- D) Plan and administer prescribed physical therapy treatment programs for patients to restore function, relieve pain, and prevent disability following disease, injury or loss of body part.
- E) Administer manual therapeutic exercises to improve or maintain muscle function, applying precise amounts of manual force and guiding patient's body parts through selective patterns and degrees of movement. Instruct, motivate and assist patient in non-manual exercises, such as active regimens, isometric and progressive resistive, and in functional activities using available equipment and assistive and supportive devices, such as crutches, walkers, canes, orthoses and prostheses. Administer treatment involving application of physical agents, such as heat, light, cold, water and electricity. Administer traction and massage. Evaluate, fit and adjust prosthetic and orthotic devices and recommend modifications to the orthotist/prosthetist.
- F) Observe, record and report to the physician the patient's treatment, response and progress.
- G) Instruct other health team personnel including, when appropriate, home health aides and family members in certain phases of physical therapy with which they may work with the patient.
- H) Instruct patient and family in total physical therapy program.
 - I) Prepares clinical and progress notes for the clinical record.
- 2) Supervision of the physical therapist assistant shall include the following:
 - A) A registered physical therapist must be accessible by telephone to the physical therapist assistant at all times while the physical therapist assistant is treating patients.
 - B) On-site supervision should take place every four to six visits. ~~If less than four to six visits are made by the physical therapist assistant in a two-month period, the physical therapist assistant must be supervised at least once during that two-month period.~~ The supervisory visits may be made either when the physical therapist assistant is present so that the supervisor may observe and assist, or when the physical therapist assistant is absent so that the supervisor may assess relationships and determine whether goals are being met.
 - C) Supervision does not constitute treatment.
 - D) The supervisory visit should include a complete on-site functional assessment, an on-site review of activities with appropriate revision of treatment plan, and an

DEPARTMENT OF PUBLIC HEALTH

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assessment of the utilization of outside resources.

- 3) The physical therapist assistant shall:
 - A) Be directed by and under the supervision of a registered physical therapist.
 - B) Administer the physical therapy program as established by the physical therapist.
 - C) Administer non-complex active and passive manual therapeutic exercises, therapeutic massage, traction, heat, light, cold, water and electrical modalities to patients with relatively stable conditions.
 - D) Instruct, motivate and assist patients in learning and improving functional activities such as perambulation, transfers, ambulation and activities of daily living.
 - E) Observe patient's progress and response to treatment and report to the physical therapist.
 - F) Confer with members of the health care team for planning, modifying, and coordinating treatment programs.
- g) Registered Nurse. Skilled nursing services shall be given by a registered nurse in accordance with the plan of treatment. These services shall include the following:
 - 1) Have the responsibility for the observation, assessment, nursing diagnosis, counsel, care and health teaching of the ill, injured or infirm, and the maintenance of health and prevention of illness of others.
 - 2) Maintain a clinical record for each patient receiving care.
 - 3) Provide progress notes to the patient's physician about patients under care when the patient's conditions change or there are deviations from the plan of care or at least every sixty days.
 - 4) Make home health aide assignments, prepare written instructions for the aide and supervise the aide in the home.
 - 5) Direct the activities of the licensed practical nurse.
 - 6) Administer medications and treatments as prescribed by the patient's physician.
 - 7) Act as the coordinator of the health care team in order to maintain the proper linkages within a continuum of care.
- h) Speech Pathologist. When provided, speech therapy services shall be given by a qualified speech pathologist in accordance with the plan of treatment. These services shall include the following:

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- 1) Assist the physician in determining and recommending appropriate speech and hearing services.
 - 2) Evaluate the patient's speech and language abilities and establish a plan of treatment.
 - 3) Provide rehabilitation services for speech and language disorders.
 - 4) Record and report to the patient's physician the patient's progress in treatment and any changes in the patient's condition and plan of care.
 - 5) Instruct other health team personnel and family members in methods of assisting the patient in improving communication skills.
 - 6) Prepare clinical and progress notes for the clinical record.
- i) Audiologist. When provided, audiology services shall be given by an audiologist in accordance with the plan of treatment. These services shall include the following:
- 1) Administer diagnostic hearing tests to evaluate the patient's audiological abilities.
 - 2) Assess the patient's need for amplification.
 - 3) Provide rehabilitative services for hearing disorders.
 - 4) Instruct other health team personnel and family members in methods of assisting the patient in improving communication skills.
 - 5) Record and report to the patient's physician the patient's response to rehabilitative intervention.

- j) Student Training Program. When an agency elects to participate with an educational institution to provide clinical experience for students as part of their health-related professional training, there shall be a written agreement between the agency and each educational institution. The agreement must specify the responsibilities of the agency and the educational institution. The agreement shall include at a minimum the following provisions:

- 1) The agency retains the responsibility for client care.
- 2) The educational institution retains the responsibility for student education.
- 3) The student and faculty performance expectations.
- 4) Faculty supervision of undergraduate students in the clinic and the field.
- 5) Ratio of faculty to students.
- 6) Confidentiality regarding patient information.

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- 7) Required insurance coverage.
- 8) Provisions for joint evaluation by the agency and faculty of the students' performance and of the training program.

(Source: Amended at 17 Ill. Reg. ____, effective ____.)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Newborn Metabolic Screening and Treatment Code

2) Code Citation:

77 Ill. Adm. Code 661

3) Section Numbers:Proposed Action:

661.70 Amendments

4) Statutory Authority:

"AN ACT concerning the disease of phenylketonuria and other metabolic diseases, designating certain powers and duties in relation thereto, providing penalties for violation thereof, to repeal an Act therein named and to make an appropriation in connection therewith."
Ill. Rev. Stat. 1989, ch. 111 ½, par. 4903 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The existing Program screens all newborns in Illinois for biotinidase deficiency, congenital adrenal hyperplasia, galactosemia, congenital primary hypothyroidism, phenylketonuria (PKU), and sickle cell disease/trait and other hemoglobinopathies. The Program also provides comprehensive follow-up services to all infants at-risk and/or diagnosed with one of the above disorders. Early detection of these serious disorders prevents slow or poor physical and mental development and avoids costly rehabilitative services. Current rules describe the responsibility; collection of blood and submission of specimens; interpretation of results; designation of consultants; reports; diagnosis and treatment; and fee-for-service necessary to help fulfill the Department's obligation for fulfilling the newborn screening mandate.

The State's newborn screening and follow-up services are funded by a combination of federal and state sources. In FY92 the Metabolic Section of the Division of Laboratories will fund all operations from fees, and the Genetics Program will fund services from fees, the Maternal and Child Health Block, and State General Revenue. Rules allow the Department to assess a fee to the hospital submitting the specimens, unless the infant is eligible for Public Aid. Of the 190,000 babies born in Illinois each year, approximately 50,000 or 26% are Public Aid eligible and no charge is currently made for this group. A fee of \$20.00 per newborn is charged for the remaining infants, and in FY92 will generate \$2,800,000. The fees collected are allocated to both units for expenditure and fund many of the services related to genetics provided by the Department.

The expansion of the Laboratory and the Genetics Program from a PKU screening program to one

DEPARTMENT OF PUBLIC HEALTH

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with a mandate and increase in technology and services for screening for six conditions make it imperative to increase the funding necessary to operate. It is proposed by the Department to collect reimbursement on all infants including those eligible for Public Aid. This change will generate an additional \$1,000,000 per year. Enough income will be generated to allow the Metabolic Section of the Laboratory and the Genetics Program to be self-supporting.

The economic effect of this proposed rulemaking will be an increase in the billing to individual hospitals delivering babies. However, the overall effect on one individual hospital is unknown but on the majority of institutions will be minimal. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates that this proposed rulemaking will be adopted four to six months from the date of publication as proposed in the Illinois Register

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes ___ No ✓

7) Does this Rulemaking contain an Automatic Repeal Date? Yes ___ No ✓

If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations By Reference? Yes ___ No ✓

If "yes," please specify type: 6.02(a) ___ or 6.02(b) ___

9) Are there any other Proposed Amendments Pending on this Part? Yes ___ No ✓

If Yes:

Section Numbers Proposed Action Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This change will have only a slight impact upon local government or upon facilities delivering babies. The primary effect of adjusting the fee-for-service will be positive by assuring comprehensive follow-up services and state of the art laboratory techniques in newborn screening. The Department requires the facility to pay the fee and this cost is usually transferred to the client.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West

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Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Facilities delivering babies and/or providing maternal and child health care.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

There will be no change in the reporting, bookkeeping or other procedures required.

D) Types of Professional Skills Necessary for Compliance:

Medical, laboratory, and fiscal skills as necessary.

The full text of the Proposed Amendments begins on the next page:

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: MATERNAL AND CHILD HEALTH

PART 661
NEWBORN METABOLIC SCREENING AND
TREATMENT CODE

Section

661.10 Responsibility

661.15 Definitions

661.20 Collection of Blood and Submission of Specimens

661.30 Interpretation of Results

661.35 Designation of Consultants

661.40 Reports

661.50 Diagnosis and Treatment

661.60 Exemption

661.70 Fee Assessment and Payment

AUTHORITY: Implementing and authorized by "AN ACT concerning the disease of phenylketonuria and other metabolic diseases, designating certain powers and duties in relation thereto, providing penalties for violation thereof, to repeal an Act therein named and to make an appropriation in connection therewith" (Ill. Rev. Stat. 1989, ch. 111 ½, pars. 4903 et seq.).

SOURCE: Adopted December 14, 1973; emergency rules at 3 Ill. Reg. 28, p. 224, effective June 28, 1979, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 48, p. 42, effective November 20, 1979; amended at 5 Ill. Reg. 4593, effective April 15, 1981; amended and codified at 8 Ill. Reg. 19041, effective September 26, 1984; amended at 11 Ill. Reg. 12921, effective August 1, 1987; amended at 13 Ill. Reg. 15079, effective October 1, 1989; amended at 14 Ill. Reg. 13292, effective August 15, 1990; amended at 17 Reg. _____, effective _____.

Section 661.70 Fee Assessment and Payment

a) Each person who submits to the Department any sample for newborn screening shall be assessed a fee of \$20.00 for such analysis unless specimens are requested by the Department for follow-up purposes. ~~Samples for applicants and recipients of public assistance under the Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, par. 1 et seq.) shall not be assessed a fee.~~

b) Statements of fee assessment shall be mailed to persons submitting specimens for analysis on a monthly basis.

c) Payment shall be rendered to the Department upon receipt of the monthly statement of fee assessment.

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(Source: Amended at 17 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Home Ownership Made Easy Act2) Code Citation: 74 Ill. Adm. Code 7503) Section Numbers:

| | <u>Proposed Action:</u> |
|------------|-------------------------|
| 750.10 | Repealed |
| 750.20 | Repealed |
| 750.30 | Repealed |
| 750.40 | Repealed |
| 750.41 | Repealed |
| 750.50 | Repealed |
| 750.60 | Repealed |
| 750.70 | Repealed |
| 750.80 | Repealed |
| 750.90 | Repealed |
| 750.100 | Repealed |
| 750.110 | Repealed |
| 750.120 | Repealed |
| 750.130 | Repealed |
| 750.140 | Repealed |
| APPENDIX A | Repealed |
| APPENDIX B | Repealed |
| APPENDIX C | Repealed |

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 67 1/2, pars. 1101 et seq. (310 ILCS 55/1 et seq.)5) A Complete Description of the Subjects and Issues Involved:
This proposed repealer would allow for the adoption of a new set of rules to implement the 1992 amendment of the Home Ownership Made Easy Act. The 1992 legislative amendment substantially changed the program, making the old rules obsolete.6) Will this proposed rule replace an emergency rule currently in effect?: NO7) Does this rulemaking contain an automatic repeal date? NO8) Does this proposed repealer contain incorporations by reference? NO9) Are there any other proposed amendments pending on this Part? NO

TREASURER

TREASURER

NOTICE OF PROPOSED REPEALER

NOTICE OF PROPOSED REPEALER

10) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate on any unit of local government subject to the State Mandates Act.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments may be directed to:

Matt Berns
Office of the Illinois Treasurer
100 W. Randolph, 15-600
Chicago, IL 60601
(312) 814-2976

12) Initial Regulatory Flexibility Analysis: This proposed Repealer does not affect small business.

The full text of the Proposed Repealer begins on the next page:

TITLE 74: PUBLIC FINANCE
CHAPTER V: TREASURER

Part 750

HOME OWNERSHIP MADE EASY ACT (REPEALED)

Section

| | |
|------------|---|
| 750.10 | Treasurer's Contractual Authority |
| 750.20 | Eligibility for the Program |
| 750.30 | Enrollment Procedures |
| 750.40 | Saver Deposit Options |
| 750.41 | Penalty for Not Sufficient Funds (NSF) Checks |
| 750.50 | Participant Statement |
| 750.60 | Common Calendar Year |
| 750.70 | The H.O.M.E. Program Investment Options |
| 750.80 | Tax Reporting |
| 750.90 | Withdrawal Requests |
| 750.100 | Termination Requests |
| 750.110 | Treasurer's Certification of H.O.M.E. Participants |
| 750.120 | Benefits of Program Certification |
| 750.130 | Illinois Housing Development Authority Mortgage Priority |
| 750.140 | Payment of Expenses |
| APPENDIX A | Account Registration Form |
| APPENDIX B | Certification Notice and Instructions for Using Your H.O.M.E. Certification |
| Appendix C | Employer Deduction Authorization Form |

AUTHORITY: Implementing and authorized by the Home Ownership Made Easy Act of 1989 (Ill. Rev. Stat. 1989, ch. 67 1/2, pars. 1101 et seq., as amended by Public Act 86-1462, effective July 1, 1991) (310 ILCS 55/1 et seq.).

SOURCE: Adopted at 15 Ill. Reg. 14121, effective September 17, 1991; amended at 16 Ill. Reg. 203, effective December 18, 1991; amended at 16 Ill. Reg. 17359, effective October 28, 1992; repealed at 17 Ill. Reg. _____, effective _____.

Section 750.10 Treasurer's Contractual Authority

To provide for administration of the Home Ownership Made Easy Act of 1989 (the "Act") (Ill. Rev. Stat. 1991, ch. 67 1/2, pars. 1101 et seq.) (310 ILCS 55/1 et seq.), the Treasurer may enter into such contracts as may be necessary:

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- a) When:
- 1) It is more cost efficient;
 - 2) Services are not provided by other State agencies;
 - 3) It results in lower costs or higher effectiveness or quality of services or responsiveness).
- b) Such contracts include, but are not limited to, contracts for the administration and distribution of investment options by third parties and for investment advisory and transfer agency services to be performed by third parties.

Section 750.20 Eligibility for the Program

The Program is available to residents 18 and over who have not held an ownership interest in residential real estate for two (2) years prior to application and who do not hold such an ownership interest while participating in the Program.

Section 750.30 Enrollment Procedures

Participants may enroll in the Program by completing an application (750.Appendix A) attesting to their eligibility as defined and set forth therein, and forwarding same to the Home Ownership Made Easy Investment Fund (the "H.O.M.E. Fund").

- a) An initial deposit in check or money order form in the minimum amount of \$250.00 or more must accompany the application.
- b) On the enrollment application participants must select one (1) of the three (3) deposit options.

Section 750.40 Saver Deposit Options

Participants may make deposits through any of the following options:

- a) Pre-authorized withdrawals from saver's checking account on monthly basis in the amount of \$50.00 or more. The saver must sign an authorization form and provide a voided check with his application.
- b) Coupon remittances to be used either monthly, quarterly or semi-annually to accompany checks or money orders in the amount of \$50.00 or more. The saver will be provided with a deposit coupon book with pre-printed remittance coupons.
- c) Gifts in the form of checks or money orders from any third party to the participant's fund may be deposited provided that the deposit include participant's social security number.

- d) Pre-authorized employer deductions from the participant's payroll check, based on employer's pay period, in the amount of \$25.00 or more may be deposited into the participant's fund. The participant's social security number must be included with the deposit. The saver must sign an authorization form and provide a copy of same with his application.

Section 750.41 Penalty for Not Sufficient Funds (NSF) Checks

Participants who deposit checks with not sufficient funds shall be charged a fee of \$15.00. The fee will be charged to the participant's account and shown separately on the participant's monthly statement. If the check is to open a new account, the fee will be charged directly to the applicant by mailing a statement to the applicant's residence.

Section 750.50 Participant Statement

- a) Each participant will receive a monthly statement from the H.O.M.E. Fund showing the beginning balance, deposits and withdrawals during the month, dividends paid, yield on participant's fund for period and ending balance.
- b) The back of the statement will have a section to be used for address changes, name changes and withdrawal and termination requests.
- c) Production of statements at any time other than at month end will cost the saver a \$10.00 processing fee. The fee will be charged to the participant's account and shown separately on the monthly statement.

Section 750.60 Common Calendar Year

- a) Program participants can change deposit options at any time during participation in the program.
- b) Program participants have the right to change investment options at least once a year. For administrative convenience, an option election process for all participants will be completed at the same time.
- c) Changes to investment options will be effective on the calendar year end.

Section 750.70 The H.O.M.E. Program Investment Options

The Treasurer shall approve investment options for Program

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participants.

- a) The initial investment option is the H.O.M.E. Fund, a proprietary money market fund available to Program participants.
- b) Investment options may initially be limited to the H.O.M.E. Fund.

Section 750.80 Tax Reporting

Program participants shall be mailed a report of dividends earned for federal tax reporting purposes within thirty-one (31) days of the end of each calendar year.

Section 750.90 Withdrawal Requests

Withdrawal requests may be made by Program participants subject to the following restrictions:

- a) A printed space on the back of each monthly statement shall serve as a withdrawal request form.
- b) Daily dividends shall be paid on the withdrawn amount up to and including the date prior to the withdrawal by the participant being executed by the Treasurer from the H.O.M.E. Fund.
- c) If a Program participant requests that his withdrawal be wired to an account at a financial institution, a wire charge of \$18.00 will be assessed. The wire charge will be charged to the participant's account and shown separately on the participant's monthly statement.

Section 750.100

Termination Requests

Program participants may terminate participation by submitting a request to close the account, using the termination request form printed on the monthly statement. If a Program participant requests that the proceeds of his account be wired to an account at a financial institution, a wire charge of \$18.00 will be assessed. The wire charge will be deducted from the participant's account balance and the net proceeds wired accordingly. The wire charge will be shown separately from the termination on the participant's final account statement.

Section 750.110

Treasurer's Certification of H.O.M.E. Participants

The Treasurer shall provide the terminating Program participant with a final account statement and a formal notice of his

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certification if he has adhered to the Program rules.

(750.Appendix B)

- a) Program participants qualify for certification if they participate in the program for three twelve (12) month periods or more and at least two deposits are made in each twelve (12) month period.
- b) A qualifying balance for transfer tax return eligibility shall be calculated at 20 times the participant's account balance, provided, however, that for accounts where more than fifty percent (50%) of the Program account balance at the time of termination is due to contributions made during the last twelve (12) month period, the qualifying balance will be calculated at forty (40) times the account balance at the beginning of the last twelve (12) month period.
- c) The Program participant shall be notified of the amount of a home's purchase on which the tax imposed under the Real Estate Transfer Tax Act will be paid to him by the Illinois Department of Revenue on the certification form.
- d) The certification shall have an initial term of four (4) months. Certification may be renewed for an additional six (6) months. Such renewal requests can be made by completing the form on the back of the original certificate and submitting same to the Program office.
- e) The certification will be accompanied by instructions on how to file for payment of the real estate transfer tax with the Illinois Department of Revenue.
- f) The Treasurer shall provide copies of all certifications to the Illinois Department of Revenue and the Illinois Housing Development Authority.
- g) Participants will be notified in writing that their certification status may be in jeopardy if their account balance falls below the required minimum of \$250.00.
- h) Participants will be notified in writing if they have failed to make two annual deposits of at least \$50.00 during any twelve month period.

Section 750.120 Benefits of Program Certification

Program participants shall receive the following benefits upon certification:

- a) Priority over persons who are not so certified in the Illinois Housing Development Authority's program for

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- b) acquiring and servicing residential mortgages. Home Fund savings dividends shall be exempt from all income taxes after the Program participant purchases residential real estate.
- c) The Illinois real estate transfer tax will be paid to Program participants after they purchase residential real estate.

Section 750.130 Illinois Housing Development Authority Mortgage Priority

The Treasurer shall certify to the Director of the Illinois Housing Development Authority when a Program participant is an eligible home buyer and is entitled to receive the benefits of the Program. The Treasurer does not participate in the review or approval of Illinois Housing Development Authority applications.

- a) Certified Program participants shall have priority over persons who are not so certified in the Illinois Housing Development Authority's program for acquiring and servicing residential mortgages.

- b) To qualify for mortgage priority, Program participants must meet all applicable Illinois Housing Development Authority requirements, Title 47 Ill. Adm. Code Parts 220 and 250.

- c) Program participants must present the Treasurer's certification with their application for an Illinois Housing Development Authority mortgage.

Within thirty (30) days after the beginning of each calendar year, the Treasurer shall certify to the Director of the Illinois Housing Development Authority the total number of participants who may become eligible during the calendar year to receive a certification under Section 750.110 and the anticipated dates upon which such participants shall receive such certifications.

- a) The Treasurer shall certify to the Director of the Illinois Housing Development Authority (IHDA) when a Program participant is an eligible home buyer and is entitled to receive the benefits of the Program. The Treasurer does not participate in the review or approval of Illinois Housing Development Authority mortgage applications.

- b) Process:
 - 1) Certified Program participants who meet all IHDA First-Time Homebuyer Program requirements

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shall have priority over persons who are not so certified in the Illinois Housing Development Authority's First-Time Homebuyer Program.

- 2) At the time of certification, the Treasurer's office shall instruct the participant on the procedures for applying and qualifying in the IHDA First-Time Homebuyer Program. Program participants must meet all Illinois Housing Development Authority requirements, Title 47 Ill. Adm. Code Parts 220 and 250.
- 3) Program participants must present the Treasurer's certification at the time of application for an Illinois Housing Development Authority mortgage.

Section 750.140 Payment of Expenses

The expenses of administering the Program, which include, but are not limited to, administration, account processing, marketing, and management of the H.O.M.E. Fund, shall be paid from the earnings of the H.O.M.E. Fund and from amounts appropriated by the General Assembly.

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Section: 750. APPENDIX A Account Registration Form

ACCOUNT REGISTRATION FORM

1. YOUR ACCOUNT

Owner's Name (First, Initial, Last) _____

Owner's Social Security Number _____

Birthdate _____

Joint Owner's Name (First, Initial, Last) _____

Joint Owner's Social Security Number _____

Birthdate _____

Joint accounts will be registered joint tenants with the right of survivorship unless otherwise indicated.

2. YOUR ADDRESS

Street or P.O. Box Number _____

City _____

State _____

Zip Code _____

 Citizenship: _____ U.S. _____ Resident _____ Non-Resident _____
 Alien _____ Alien _____

 (_____) _____
 Daytime Phone _____ Evening Phone _____

3. YOUR INITIAL DEPOSIT

Please Indicate The Amount of Your Initial Deposit. This Amount Must Be \$250 or More.

 \$ _____
 (Make your check payable to "The H.O.M.E. Fund")

4. YOUR REGULAR METHOD OF SAVINGS

Please Indicate How You Wish To Make Your Regular H.O.M.E. Savings Deposits.

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Coupon Book

For us to help you meet your savings goal, tell us how much you want to save each month.

\$ _____

You may deposit more or less each month. You may make deposits quarterly if you choose, but you must make at least two deposits a year. Your deposits must be in any amount of \$50 or more.

Pre-Authorized Monthly Withdrawal

On the (please circle) 1st/15th day of each month transfer \$ _____.

Attach a voided check to your application.

Employer Payroll Deduction

Based on your employer's pay period, please indicate how much you want deducted from your paycheck to be directly deposited into your H.O.M.E. account.

\$ _____.

You must deposit a minimum of \$25.00 through the payroll deduction plan and complete the attached Employer Deduction Authorization Form.

5. SIGNATURE

To help us make sure the H.O.M.E. Program meets your needs, please provide us with the information below. This does not affect your application.

- Expected Years Before Buying House _____
- Desired Downpayment to be Saved in the H.O.M.E. Program \$ _____

By signing this form, I/we certify that:

- I/We understand that Fund shares are not backed or guaranteed by any bank or insured by the FDIC.

I/We have read and comply with the eligibility requirements to participate in the H.O.M.E. Program. Within the last two years I/we have not owned nor do I/we currently own residential real estate.

I/we have received a current prospectus of the Fund and agree to be bound by its terms.

Under penalty of perjury, I/we certify that the number shown on this form is my correct taxpayer ID number.

Under penalty of law, I/we certify that: Please check one:

I am not subject to backup withholding because (i) I have not been notified by the Internal Revenue Service that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (ii) the IRS has notified me that I am no longer subject to backup withholding.

I have been notified by the IRS that I am subject to backup withholding.

If I/we have chosen to have my/our deposits automatically made to my/our account, I/we authorize the H.O.M.E. Fund to secure payment of amounts invested by me/us by withdrawing from my/our account at the bank named above. I/We authorize the bank to accept any such withdrawals without responsibilities for the correctness thereof.

PLEASE SIGN HERE AS YOUR NAME IS SHOWN IN SECTION 1: (If a joint account, both owners must sign.)

Signature (Owner) Date Signature (Joint Owner) Date

Welcome to the H.O.M.E. Program! FOR OFFICE USE ONLY

Account # Date Received Initials of Receiver

Section 750.APPENDIX B Certification Notice and Instructions for Using your H.O.M.E. Certification CERTIFICATION NOTICE

The individual(s) names below have met the requirements established for the H.O.M.E. program and are hereby given certification status. The certification entitles the H.O.M.E. Saver(s) to the benefits of the program as defined in its rules and regulations.

Name(s) Account # Transfer Tax Credit Up To

Executive Director H.O.M.E. Program

Date of Issuance: Expiration Date:

This certificate expires in four (4) months. To renew the certificate, call the H.O.M.E. office at 1-800-xxx-xxxx. You may renew the certificate once, for an additional six months.

To receive the real estate transfer tax payment from your house purchase, have this certification signed by the seller of the home you purchased and a notary as party of the closing on your home. We/I hereby certify that a transfer tax was paid as part of the sale of this property as shown on the statement of closing proceeds and that we/I are the parties/witness to this transaction.

Seller(s) Signature(s): H.O.M.E. Saver(s) Signatures(s)

Notary Public Signature FOR REAL ESTATE TRANSFER PAYMENT

1. Take the H.O.M.E. certificate with you to your closing.
2. As part of the closing process, have the seller(s) sign and date the back of the form. Sign the certificate yourself. Have a notary sign and date the back of the form.
3. Attach the certificate to a copy of the final closing

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4. statement.
5. Keep a copy of both papers for your records.
6. Forward the certificate and the closing statement to the Department of Revenue, P.O. Box XXXX, Springfield, IL 627??.
7. You should receive a check for the amount of real estate transfer tax attributable to the purchase of the house within one (1) month. The check will be for the amount of the transfer tax related to the lesser of the actual purchase price or the amount shown on the face of the certificate.

FOR IHDA MORTGAGES

1. Call either the H.O.M.E. office at 1-800-535-1164 or IHDA at XXX-XXX-XXXX and ask for the latest mortgage program and eligibility requirements.
2. Read the requirements carefully.
3. Look for the home you desire.
4. When you contact a participating financial institution, tell them you are a certified H.O.M.E. Program participant.
5. Be prepared to file your H.O.M.E. certificate with the IHDA application. Be sure to keep a copy for your records. You will need it to obtain payment of the real estate transfer tax after you close (see above).

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Section 750.APPENDIX C Employer Deduction Authorization Form

I, _____, authorize my employer, _____, to deduct from my payroll check \$_____ per pay period for it to deposit directly into my Home Ownership Made Easy account.

Account information (please print):

Employee's Name (First, Initial, Last) _____

Employee's Social Security No. _____ Birthdate _____

Street or P.O. Box Number _____

City _____ State _____ Zip Code _____

(_____) _____
Daytime Phone _____ Evening Phone _____

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- 1) Heading of the Part: Home Ownership Made Easy Act

- 2) Code Citation: 74 Ill. Adm. Code 750

- 3) Section Numbers:

| | <u>Proposed Action:</u> |
|------------|-------------------------|
| 750.10 | New |
| 750.20 | New |
| 750.30 | New |
| 750.40 | New |
| 750.50 | New |
| 750.60 | New |
| 750.70 | New |
| 750.80 | New |
| 750.90 | New |
| 750.100 | New |
| 750.110 | New |
| 750.120 | New |
| 750.130 | New |
| 750.140 | New |
| 750.150 | New |
| APPENDIX A | New |
| APPENDIX B | New |
| APPENDIX C | New |
| APPENDIX D | New |

- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 67 1/2, pars. 1101 et seq. (310 ILCS 55/1 et seq.)

- 5) A Complete Description of the Subjects and Issues Involved:
These proposed rules would implement the 1992 amendment of the Home Ownership Made Easy Act. The 1992 legislative amendment substantially changed the program, making the old rules obsolete.

- 6) Will this proposed rule replace an emergency rule currently in effect? NO

- 7) Does this rulemaking contain an automatic repeal date? NO

- 8) Does this proposed rule contain incorporations by reference? NO

- 9) Are there any other proposed amendments pending on this Part? NO

- 10) Statement of Statewide Policy Objectives: These rules do

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not create or expand a State mandate on any unit of local government subject to the State Mandates Act.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments may be directed to:

Matt Berns
Office of the Illinois Treasurer
100 W. Randolph, 15-600
Chicago, IL 60601
(312) 814-2976

- 12) Initial Regulatory Flexibility Analysis: These proposed Rules do not affect small business.

The full text of the Proposed Rules begins on the next page:

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TITLE 74: PUBLIC FINANCE
CHAPTER V: TREASURER

Part 750
HOME OWNERSHIP MADE EASY ACT

Section

| | |
|----------------|---|
| 750.10 | Definitions |
| 750.20 | Treasurer's Authority to Make and Continue Contracts and Agreements |
| 750.30 | Eligibility for the Program |
| 750.40 | Certification of Program Depositories |
| 750.50 | Enrollment Procedures |
| 750.60 | Saver Deposit/Withdrawal Options |
| 750.70 | Participant Statements |
| 750.80 | Tax Reporting |
| 750.90 | Transfer Requests |
| 750.100 | Termination Requests |
| 750.110 | Treasurer's Certification of H.O.M.E. Participants |
| 750.120 | Benefits of Program Certification |
| 750.130 | Illinois Housing Development Authority Mortgage Priority |
| 750.140 | Program Depository Requirements |
| 750.150 | Payment of Expenses |
| 750.Appendix A | Certification Notice Form |
| 750.Appendix B | Certification Instruction Form |
| 750.Appendix C | Account Enrollment Form |
| 750.Appendix D | Account Report Form |

AUTHORITY: Implementing and authorized by the Home Ownership Made Easy Act of 1989 (Ill. Rev. Stat. 1991, ch. 67 1/2, pars. 1101 et seq., as amended by Public Act 87-1206, effective September, 25 1992) (310 ILCS 55/1 et seq.).

SOURCE: Adopted at 15 Ill. Reg. 14121, effective September 17, 1991; amended at 16 Ill. Reg. 203, effective December 18, 1991; amended at 16 Ill. Reg. 17359, effective October 28, 1992; old part repealed, new part adopted at 17 Ill. Reg. _____, effective _____.

Section 750.10**Definitions**

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The following definitions shall apply to this Part:

"Account Enrollment Form" A form, substantially similar to Appendix C of this Part, which will be filed by a Program Depository upon enrolling a Participant.

"Account Report Form" A form, substantially similar to Appendix D of this Part.

"Administering Financial Institution" The financial institution designated by the Treasurer to manage the H.O.M.E. fund for investments of Participants enrolled prior to the effective date of this Part.

"Certification Instruction Form" A form, substantially similar to Appendix B of this Part, which will accompany the Certification Notice Form.

"Certification Notice Form" A form, substantially similar to Appendix A of this Part.

"Effective Date" The effective date of P.A. 87-1206, H.B. 4119, the 1992 amendment to the Home Ownership Made Easy Act, which is September 25, 1992.

"Employer Direct-Deposit Program" A program administered by a Participant's employer and Program Depository to make a direct deposit of some portion of the Participant's paycheck into a H.O.M.E. account.

"Matching Deposit Program" A program by which a Participant's employer will match deposits made to a H.O.M.E. account according to a schedule determined by such employers individually.

"Notice Date" A date within 10 months of the Effective Date on which the Treasurer will notify Program Participants who enrolled prior to the Effective Date that such Participants must transfer their deposits to a certified Program Depository.

"Passbook Savings Account" An account at a certified Program Depository which utilizes a passbook retained by the Program Participant.

"Program Depositories" The financial institutions certified by the Treasurer which will market and

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administer the H.O.M.E. Program after the Effective Date.

"Qualifying Balance for transfer tax return eligibility" That portion of the purchase price of a home for which a certified H.O.M.E. Participant is exempt from paying the State real estate transfer tax.

Section 750.20

Treasurer's Authority to Make and Continue Contracts and Agreements

To provide for administration of the Home Ownership Made Easy Act of 1989, as amended ("H.O.M.E." or the "Program"), the Treasurer may enter into such contracts as may be necessary:

a) When:

- 1) It is more cost efficient;
- 2) Services are not provided by other State agencies;
- 3) It results in lower costs or higher effectiveness or quality of services or responsiveness.
- b) Such contracts include, but are not limited to, contracts for the administration and distribution of investment options by third parties and for investment advisory and transfer agency services to be performed by third parties.
- c) The current Administering Financial Institution may continue to manage investments in the H.O.M.E. Fund of Participants with deposits in the Administering Financial Institution until all such Participants have received refunds of such deposits.

Section 750.30

Eligibility for the Program

The Program is available to any person, age 18 or older, who does not, as a sole owner, tenant in common or joint tenant with a right of survivorship, hold a fee simple absolute or any other ownership interest in residential real estate upon application for, and participation in the Program.

Section 750.40

Certification of Program Depositories

- a) The following are eligible to apply for certification as a Program Depository:

- 1) Any federally chartered commercial bank or savings and loan association organized and operating in this State pursuant to the laws of the United

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States;

- 2) Any bank subject to the Illinois Banking Act;
- 3) Any savings and loan association subject to the Illinois Savings and Loan Act of 1985;
- 4) Any credit union subject to the Illinois Credit Union Act;
- 5) Any broker or dealer registered under the Securities Exchange Act of 1934;
- 6) Any dealer registered under the Illinois Securities Law of 1953.

b) Applications for certification as a Program Depository shall be evaluated according to the following criteria:

- 1) A commitment to making home ownership a reality for a broad base of Illinois residents;
- 2) Current and/or past participation in the Treasurer's other programs.
- 3) Ability to comply with the reporting and other requirements of the H.O.M.E. Act and this Part.

c) Applications shall be by letter from the financial institution to the Treasurer, describing how the financial institution meets the criteria for participation.

- d) The Treasurer shall, from time to time, evaluate Program Depositories in order to insure that the goals of the H.O.M.E. Program are being furthered efficiently and to the fullest extent possible. The Treasurer may, in his discretion, withdraw certification from any Program Depository on 30 days notice.

Section 750.50

Enrollment Procedures

- a) New H.O.M.E. Program: After the Effective Date, new Participants may enroll in the Program as follows:
- 1) Participants shall select an Illinois financial institution certified as a Program Depository by

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the Treasurer. A list of financial institutions so certified is available from the H.O.M.E. office, or by calling 1-800-535-1164.

2) Each Program Depository will determine the type or types of savings vehicles which will be offered to Program Participants. A representative of the Program Depository will present the investment option or options available at that Program Depository to the Participant, who shall then make an initial deposit. The investment account must be specifically designated as a H.O.M.E. account and must be insured in one of the following: the Federal Deposit Insurance Corporation, the National Credit Union Association, or the Securities Investors Protection Corporation.

3) Where the selection for the investment option is a Passbook Savings Account, the initial deposit amount shall be no less than \$100. A Program Depository need not offer a Passbook Savings Account as an investment option. The Program Depository may determine the minimum deposit for alternative investment options. Subsequent deposits may be made in any amount subject to the requirements of the Program Depository.

b) Old H.O.M.E. Program: Participants with deposits in the Administering Financial Institution may continue to participate in the Program after the Effective Date by selecting a Program Depository and depositing their H.O.M.E. savings to a certified Program Depository no later than 30 days after the Notice Date.

c) Old H.O.M.E. Program: If a Participant with deposits in the Administering Financial Institution does not, before 30 days after the Notice Date, select and deposit such Participant's refund to a certified Program Depository, the Treasurer will direct the Administering Financial Institution to refund such Participant's deposits with a notice stating that the deposit amount must be reinvested in a certified Program Depository within 30 days in order to maintain the Participant's eligibility for Program benefits.

d) Old H.O.M.E. Program: If the Administering Financial Institution is unable to refund the deposits of any

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Participant, the Treasurer will direct the Administering Financial Institution to transfer such deposits to a certified Program Depository designated by the Treasurer in the name of the Participant.

Section 750.60 Saver Deposit/Withdrawal Options

a) Old H.O.M.E. Program: Participants with deposits in the Administering Financial Institution who have not transferred their deposits to a certified Program Depository may make deposits as follows:

1) Pre-authorized withdrawals from saver's checking account on a monthly basis in the amount of \$50 or more, provided such authorization was provided before the Notice Date.

2) Coupon remittances to be used either monthly, quarterly or semi-annually to accompany checks or money orders in the amount of \$50 or more. The saver will be provided with deposit coupons.

b) New H.O.M.E. Program: All Participants holding accounts with Program Depositories shall make deposits and withdrawals according to rules determined by the program Depositories individually. Deposit arrangements may include Employer Direct-Deposit and Matching Deposit Programs.

Section 750.70 Participant Statements

a) Old H.O.M.E. Program: Participants with deposits in the Administering Financial Institution who have not transferred their deposits to a certified Program Depository shall receive statements as follows:

1) Each such Participant will receive a monthly statement from the H.O.M.E. Fund showing the beginning balance, deposits and withdrawals during the month, dividends paid, yield on Participant's fund for period and ending balance.

2) The back of the statement will have a section to be used for address changes, name changes and withdrawal and termination requests.

b) New H.O.M.E. Program: Participants with accounts at

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certified Program Depositories shall receive statements from the Program Depository holding such Participant's account according to rules determined by the Program Depositories individually, provided such statements will issue annually at the minimum.

Section 750.80 Tax Reporting

- a) Old H.O.M.E. Program: For Program Participants with deposits in the Administering Financial Institution, a report of dividends earned for tax reporting purposes will be mailed within thirty-one (31) days of the end of each calendar year.
- b) New H.O.M.E. Program: Program Participants with accounts at certified Program Depositories will receive reports of interest or dividends earned according to rules adopted by the Program Depositories individually, pursuant to applicable federal and state law.

Section 750.90 Transfer Requests

- a) At any time, a Program Participant may transfer a H.O.M.E. account into another designated H.O.M.E. investment option at the same certified Program Depository without having to notify the Treasurer's office.
- b) At any time, a Program Participant may transfer a H.O.M.E. account into another certified Program Depository by filing an Account Report form, checking the box designated "Transfer." For the purpose of determining Program benefits, participation will relate back to the initial enrollment date, provided the proceeds are directly deposited from the original certified Program Depository to the newly selected certified Program Depository. Such Participants should check the box designated "Transferred Account" on the Account Enrollment Form filed with the transferee Program Depository.

Section 750.100

Termination Requests

- a) Old H.O.M.E. Program: Program Participants with deposits in the Administering Financial Institution who have not transferred their accounts to a Program Depository may terminate participation by submitting a

request to close their accounts, using the termination request form printed on the back of each monthly statement. If such a Program Participant requests that the proceeds of his account be wired to an account at a financial institution, a wire charge of \$18 will be assessed. The wire charge will be deducted from the Participant's account balance and the net proceeds wired accordingly. The wire charge will be shown separately from the termination on the Participant's final account statement.

- b) New H.O.M.E. Program: Program Participants with accounts at a certified Program Depository may terminate participation by notifying their Program Depository according to rules determined by the individual Program Depositories. Such Participants should designate their intention either to terminate participation in the program or to transfer to another Program Depository on the Account Report form.
- c) A terminating Participant may, within 60 days after submitting a termination request, reinvest such Participant's proceeds in a certified Program Depository. Such Participants should check the box designated "Transferred Account" on the Account Enrollment Form filed with the transferee Program Depository. For the purpose of determining Program benefits, participation will relate back to the initial enrollment date.

Section 750.110

Treasurer's Certification of H.O.M.E. Participants

- a) Old H.O.M.E. Program: For terminating program Participants with deposits in the Administering Financial Institution who have not transferred their accounts to a Program Depository, the Treasurer shall provide a final account statement and a formal notice of certification if such Participant has adhered to the Program rules.

- 1) Such Program Participants qualify for certification if they participate in the program for three twelve (12) month periods or more and at least two deposits are made in each twelve (12) month period.

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2) For such Program Participants, a Qualifying Balance for transfer tax return eligibility shall be calculated at 20 times the Participant's final account balance, provided, however, that for accounts where more than fifty percent (50%) of the Program account balance at the time of termination is due to contributions made during the last twelve (12) month period, the Qualifying Balance will be calculated at forty (40) times the account balance at the beginning of the last twelve (12) month period.

b) New H.O.M.E. Program: For terminating Participants with accounts at certified Program Depositories, the Program Depository shall transmit an Account Report form to the Treasurer. Such form will specify: the ending date of participation; income earned on the account to date for the current calendar year; and the ending deposit balance upon termination. The Treasurer will provide a formal notice of certification on the Certification Notice form if such Participant has adhered to the Program rules.

1) Such program Participants qualify for certification if they deposit moneys for a period of at least two years in a chosen investment vehicle specifically designated as a H.O.M.E. account according to the Program Depository's requirements.

2) For such Program Participants, a Qualifying Balance for transfer tax return eligibility shall be calculated at 20 times the Participant's final account balance.

c) For all terminating Program Participants eligible for certification:

1) The Program Participant shall be notified of the amount of a home's purchase price on which the tax imposed under the Real Estate Transfer Tax Act will be waived for such Participant by the Illinois Department of Revenue on the Certification Notice form.

2) The certification shall have an initial term of six (6) months. Certification may be renewed for

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an additional six (6) months. Such renewal requests can be made by written request to the Treasurer before the expiration of the initial 6-month period.

3) The certification shall be accompanied by instructions on how to file for waiver of the real estate transfer tax with the Illinois Department of Revenue, and the County Treasurer (if appropriate).

4) The Treasurer shall provide copies of all certifications to the Illinois Department of Revenue, the Illinois Housing Development Authority, and the County Treasurer (if appropriate) upon request.

Section 750.120

Benefits of Program Certification

Program Participants shall receive the following benefits upon certification, provided such Participants acquire an ownership interest in residential real estate prior to expiration of certification:

a) Exemption from paying the State Real Estate Transfer tax, to the extent specified in the Certification Notice, where it is the contractual responsibility of the Participant to purchase the transfer tax stamps;

b) Priority position for making applications for mortgages in the Illinois Housing Development Authority's Single Family Mortgage Purchase Program;

c) Priority over persons who are not so certified in the Treasurer's housing programs;

d) All income earned on H.O.M.E. investments during participation in the program may be subtracted in computing the Participant's Illinois base income for the year in which the Participant acquires his or her interest in residential real estate under the Illinois Income Tax Act.

Section 750.130

Illinois Housing Development Authority Mortgage Priority

NOTICE OF PROPOSED RULES

Upon request of the Participant, the Treasurer shall certify to the Director of the Illinois Housing Development Authority that the Program Participant has satisfied all requirements under Section 750.110 of this Part to become eligible for priority consideration under the Authority's Single Family Mortgage Purchase Program. The Treasurer does not participate in the review or approval of Illinois Housing Development Authority applications.

- a) Certified Program Participants shall have priority over persons who are not so certified for making applications for mortgages in the Illinois Housing Development Authority's Single Family Mortgage Purchase Program.
- b) To qualify for mortgage priority, Program Participants must meet all applicable requirements of the Illinois Housing Development Authority's Single Family Mortgage Purchase Program, as set forth in 47 Ill. Adm. Code 250, as amended and supplemented, or any other rules that the Illinois Housing Development Authority may promulgate in connection with the Single Family Mortgage Purchase Program and Section 143 of the Internal Revenue Code of 1986 and the regulations promulgated thereunder, both as they may be amended and supplemented.
- c) Program Participants must present the Treasurer's certification with their application for an Illinois Housing Development Authority mortgage.

Section 750.140

Program Depository Requirements

All Program Depositories will agree to abide by the following:

- a) Upon enrollment of a Program Participant, the enrolling Program Depository will forward a copy of the Account Enrollment form (see Appendix C of this Part) to the Treasurer's office;
- b) All H.O.M.E. accounts will be designated as such upon enrollment and will be identifiable as such by account number and Social Security number;
- c) Program Depositories will maintain a record of total income earned for each H.O.M.E. account;

NOTICE OF PROPOSED RULES

- d) Program Depositories shall compile annual reports regarding H.O.M.E accounts administered, including ending balance, annual income, and addresses for each account, and forward these reports to the Treasurer's office. Said reports may be on computer printouts or in such format as certified Program Depositories normally utilize in maintaining their business records.
- e) Program Depositories will forward to the Treasurer's office an Account Report (see Appendix D of this Part) upon termination or transfer of any Participant.
- f) Program Depositories shall make reasonable efforts to market the H.O.M.E. program and apprise the Treasurer's office of the means and the media markets used to market the Program.

Section 750.150

Payment of Expenses

Old H.O.M.E. Program: For the Participants with deposits in the Administering Financial Institution who have not transferred their deposits to certified Program Depositories, expenses of administering the Program, which include, but are not limited to, administration, account processing, marketing, and management of the H.O.M.E. Fund, shall be paid from the earnings of the H.O.M.E. Fund.

TREASURER

NOTICE OF PROPOSED RULES

TREASURER

NOTICE OF PROPOSED RULES

Section 750.Appendix A

CERTIFICATION NOTICE FORM

CERTIFICATION NOTICE

The individual(s) names below have met the requirements established for the H.O.M.E. program and are hereby given certification status. The certification entitles the H.O.M.E. Saver(s) to the benefits of the program as defined in its rules.

Name (s)

Address

Account #

Transfer Tax Credit Up To

Total income earned on H.O.M.E. investments during participation in the program may be subtracted in computing the Participant's Illinois base income for the year in which the Participant acquires his or her interest in residential real estate under the Illinois Income Tax Act.

Total income earned

Treasurer's Office

Date of Issuance:

Expiration Date:

This certificate expires in six (6) months. To renew the certificate, call the H.O.M.E. office at 1-800-535-1164. You may renew the certificate once, for an additional six (6) months.

To receive an exemption from the Real Estate Transfer tax for your home purchase, have the seller(s) of the home you purchased and a witness who is not a party of the real estate transaction sign this certification.

NOTE: A H.O.M.E. saver is only eligible for waiver of the Real Estate Transfer Tax where the H.O.M.E. saver, as buyer, has taken the contractual responsibility of paying such transfer tax.

We/I hereby certify that the buyer is contractually responsible for payment of the Real Estate Transfer Tax as part of the sale

of this property, as shown on the statement of closing proceeds and that we/I are the parties/witness to this transaction.

| | | | |
|------------------|------|-----------|------|
| H.O.M.E Saver(s) | date | Seller(s) | date |
| H.O.M.E Saver(s) | date | Seller(s) | date |
| | | Witness | date |

TREASURER

TREASURER

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

Section 750.Appendix B CERTIFICATION INSTRUCTION FORM

INSTRUCTIONS FOR USING YOUR H.O.M.E. CERTIFICATION
FOR REAL ESTATE TRANSFER PAYMENT

NOTE: By law, a H.O.M.E. Saver may only be exempted from paying the Real Estate Transfer Tax if and when it is the buyer's contractual responsibility to purchase the transfer tax stamps. You must keep this in mind when negotiating for the purchase of your new home and the sales contract must specify that the buyer will be responsible for paying the transfer tax.

1. Take the H.O.M.E. certificate with you to your closing.
2. As part of the closing process, have the seller(s) sign and date the back of the form. Sign the certificate yourself. Have a witness who is not a party to the real estate transaction sign and date the back of the form.
3. Attach the certificate to a copy of the final closing statement.
4. Keep a copy of all documents for your records.
5. At the time of recording the sale, present to the recorder (in addition to all other documents necessary for recording the sale): a deed or trust document, or the real estate sales contract with attached contract rider specifying that the buyer is contractually responsible for paying the Real Estate Transfer tax.

FOR IHDA MORTGAGES

1. Call the IHDA office at 1-800-942-8439 and ask for the latest mortgage program and eligibility requirements.
2. Read the requirements carefully.
3. Look for your new home.
4. When you contact a participating financial institution, tell them you are a certified H.O.M.E. Program Participant.
5. Be prepared to file a copy of your H.O.M.E. certificate with the IHDA application. Be sure to keep a copy for

your records. You will need it to obtain exemption from the real estate transfer tax after you close (see above).

TREASURER

NOTICE OF PROPOSED RULES

Section 750. Appendix C ACCOUNT ENROLLMENT FORM

ACCOUNT ENROLLMENT FORM

Owner's Name (First, Initial, Last) _____

Owner's Social Security Number _____

Date of Birth _____

Street or P.O. Box Number _____

Phone _____

City _____

State _____

Zip _____

Joint Owner's Name (First, Initial, Last) _____

Joint Owner's Social Security Number _____

Date of Birth _____

Street or P.O. Box Number _____

Phone _____

City _____

State _____

Zip _____

Date of Enrollment: _____

Initial Account Balance: _____

Check one:

____ New H.O.M.E. Saver

____ Transferred account

____ Transfer from H.O.M.E. Fund

Investment type: _____

Deposit method: _____

Program Depository Name: _____

I/We hereby authorize the Program Depository to disclose to the Treasurer's office such information as is necessary for verification of Program participation.

Signature _____

Signature _____

TREASURER

NOTICE OF PROPOSED RULES

Section 750. Appendix D ACCOUNT REPORT FORM

ACCOUNT REPORT FORM

Date: _____

Owner's Name (First, Initial, Last) _____

Owner's Social Security Number _____

Phone _____

Street or P.O. Box Number _____

City _____

State _____

Zip _____

Joint Owner's Name (First, Initial, Last) _____

Joint Owner's Social Security Number _____

Phone _____

Street or P.O. Box Number _____

City _____

State _____

Zip _____

Program Depository Name _____

Account # at Transferor _____

Program Depository _____

Select one: _____ Termination _____ Transfer

I/We hereby request that _____

release all funds held pursuant to the H.O.M.E. program. I/We understand that such funds must be redeposited within 60 days of this request at a certified Program Depository in order to retain program benefits dating from the original enrollment date of this account. I/We hereby authorize the Program Depository to disclose to the Treasurer's office such information as is necessary for verification of Program participation.

Signature _____

Signature _____

TREASURER

NOTICE OF PROPOSED RULES

FINAL REPORT

Date: _____
Program Depository Name: _____
Account # at Program Depository: _____

Ending date: _____
Ending balance: _____
Total income earned to date for current
calendar year: _____

Participant designates transaction as:
____ Termination ____ Transfer

The undersigned institution hereby certifies that the Program Participant has adhered to the Program requirements.

Program Depository

By: _____
Title: _____

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Notice Requirements for Change in Rates for Cooling, Electric, Gas, Heating, Telecommunications, Sewer or Water Services
- 2) Code Citation: 83 Ill. Adm. Code 255
- 3) Section Numbers: 255.20
Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 9-201 and 10-101).
- 5) Effective Date of Amendment: January 15, 1993
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: January 6, 1993
- 9) Notice of Proposal Published in Illinois Register: September 11, 1992, at 16 Ill. Reg. 13703.
- 10) Has JCAR issued a Statement of Objections to this amendment? No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendment: This amendment will allow more utilities to utilize the staff review prior to the filing of a rate case by increasing the dollar limit on annual operating revenues.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted amendment shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

The full text of the Adopted Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE
KIND OF UTILITY

PART 255

NOTICE REQUIREMENTS FOR CHANGE IN RATES FOR COOLING, ELECTRIC,
GAS, HEATING, TELECOMMUNICATIONS, SEWER OR WATER SERVICES

Section

255.10 Definitions

255.20 Notice to the Public

255.30 Concerning Composition and Filing

EXHIBIT A Notice of Proposed Change in Schedule

EXHIBIT B Petition for Less Than Forty-Five Days Notice

EXHIBIT C Letter of Transmittal

AUTHORITY: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 9-201 and 10-101).

SOURCE: Filed and effective July 10, 1946; amended at 4 Ill. Reg. 13, p. 1284, effective March 12, 1980; amended at 5 Ill. Reg. 6775, effective June 12, 1981; codified at 8 Ill. Reg. 7600; amended at 9 Ill. Reg. 11807, effective July 25, 1985; amended at 10 Ill. Reg. 144, effective December 23, 1985; amended at 11 Ill. Reg. 16119, effective October 1, 1987; amended at 17 Ill. Reg. 798 , effective January 15, 1993.

Section 255.20 Notice to the Public

Notice to the public, and to persons affected, of any change proposed by a public utility in its schedule or schedules shall be given in accordance with the following:

a) Public Utility's Schedule.

- 1) The public utility shall maintain and keep open to public inspection in each office of the public utility a copy of the public utility's schedule applicable to each of the services furnished by the public utility in the territory served by such office. The public utility shall also maintain and keep open to public inspection in each of its said offices a folder in which shall be filed a copy of every proposed change in said schedule or schedules, together with copy of the applicable

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NOTICE OF ADOPTED AMENDMENT

supplemental statement referred to in Section 255.30(1)(1), concurrently with the filing by the public utility with the Commission of such proposed change. The public utility shall keep on file in said folder a copy of said proposed change and a copy of said supplemental statement throughout and during the period such proposed change is pending before the Commission.

- 2) The public utility shall also post in two public and conspicuous places in each office of the public utility a notice not less than 7 1/2 inches by 10 inches in size printed in black on a white background, reading substantially as follows:

PUBLIC NOTICE

The schedules of this Company showing all of its rates and other charges, classifications, rules and regulations relating thereto now filed with the Illinois Commerce Commission and in force and applicable to service rendered through this office in this territory, are on file in this office and open to public inspection.

An employee of this Company will assist any person to determine from the schedules any rate, charge, classification, rule or regulation.

- b) Whenever any proposed change, other than a general rate increase, in a schedule shall be filed with the Commission, the public utility shall either:

- 1) make newspaper publication in accordance with the provisions of Section-255-20 subsection (f)(1) below; or
- 2) concurrently post in a public and conspicuous place in each of the offices of the public utility in the territory affected by the change, and shall keep so posted during the period such proposed change is pending before the Commission, a notice not less than 7 1/2 inches by 10 inches in size printed in

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black on a white background, reading substantially as follows:

PUBLIC NOTICE

Proposed Changes in Rates,
Charges, Classifications, Rules and

Regulations For _____

Service

The Company has filed with and there is now pending before the Illinois Commerce Commission a proposed change in the Company's schedule. A copy of such proposed change is on file in this office and open to public inspection.

An employee of this Company will assist any person to determine the effect of the proposed change.

Customers should be advised that the Commission may alter or amend the rates or conditions of service after hearings held pursuant to 83 Ill. Adm. Code 200 and may increase or decrease individual rates in amounts other than those requested by the Company.

(Note: Insert in the blank space the type of service involved, that is, electric, gas, heat, etc.)

- c) The titles of the foregoing notices shall be in letters of size not less than 48 point type and the bodies of the notices in letters of size not less than 24 point type.
- d) The permanent notices required by Section-255-20 subsection (a)(2) above shall be kept posted at all hours when the offices are open for the transaction of business by the public. When a temporary notice is posted pursuant to the provisions of Section-255-20 subsection (b)(2) above it shall, during the period involved, be

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kept posted at all hours when the offices are open for the transaction of business by the public.

- e) In each such office of the utility there shall be in regular attendance a representative or employee of the utility available to assist any person to determine from such schedule any rate, charge, classification, rule or regulation, and also to assist any person to determine the provisions of any proposed change then pending before the Commission.

f) General rate increases

- 1) Whenever any proposed change in a schedule which would effect a general rate increase shall be filed with the Commission, the public utility shall, beginning not later than 10 days following such filing, cause to be published once each week for two consecutive weeks in some secular newspaper (that has been regularly published for at least six months prior to the first publication of such notice) in general circulation in the territory affected by such change a notice in substantially the form found in Exhibit A (occupying space not less than one column in width and three inches in length).

- 2) With respect to a proposed change constituting a general rate increase, in addition to giving notice by publication as provided in subsection (f)(1), the public utility shall give notice by posting as provided in Section-255-20 subsection (b)(2) above.

- g) Any fixed utility with \$100,000 \$300,000 of annual operating revenues or less may request a staff review, examination and evaluation of its books, records and operations prior to filing a tariff, pursuant to Section 9-201 of the Act, which proposes a general rate increase. The Commission staff will direct the utility to mail to each of its customers a notice when the staff has established that the utility is in compliance with applicable requirements of the Act and that adequate information in support of the request for a staff review has been received. The notice shall include the amounts of the proposed rates and the manner in which a customer may obtain information or express views thereon. This notice will be in lieu of all notices required by Section 255-20 subsections (f) (1) and (2) above.

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- h) In any instance where the Commission deems it appropriate that there be newspaper publication with respect to any proposed change in a schedule even though such publication is not otherwise required under this Part, or in any instance where the Commission deems it appropriate that there be other notice than is herein provided of any proposed change in a schedule, the Commission by its order or by a letter over the signature of its Chief Clerk will direct that such publication, or other notice, shall be made or given. In the event the Commission does so direct that notice by newspaper publication be made or given, the public utility shall make publication as provided for in Section-255-20 subsection (f)(1) above.

(Source: Amended at 17 Ill. Reg. 798 , effective January 15, 1993)

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service
- 2) Code Citation: 83 Ill. Adm. Code 280
- 3) Section Numbers: Adopted Action:
280.138 Amendment
- 4) Statutory Authority: Implementing Section 8-207 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 8-207 and 10-101).
- 5) Effective Date of Amendment: January 15, 1993

- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: January 6, 1993

- 9) Notice of Proposal Published in Illinois Register:

August 21, 1992, at 16 Ill. Reg. 12810.

- 10) Has JCAR issued a Statement of Objections to this amendment? No.

- 11) Difference(s) between proposal and final version:

Section 280.138(b): Language in adopted amendment modified to exactly reflect statutory language in Section 8-207 of the Public Utilities Act.

Section 280.138(i): Subsection capitalized to indicate that it is statutory language.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required.

- 13) Will this amendment replace an emergency amendment currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Amendment: This amendment is necessary so that Section 280.138 accurately reflects the requirement of Section 8-207 of the Public Utilities Act.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

The full text of the Adopted Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 280

PROCEDURES FOR GAS, ELECTRIC, WATER AND SANITARY SEWER UTILITIES GOVERNING ELIGIBILITY FOR SERVICE, DEPOSITS, PAYMENT PRACTICES AND DISCONTINUANCE OF SERVICE

| | |
|------------|--|
| Section | |
| 280.10 | Policy |
| 280.20 | Scope and Application |
| 280.30 | Saving Clause |
| 280.40 | Definitions |
| 280.50 | Applicants Applicants for Service |
| 280.60 | Present Customers |
| 280.70 | Deposits |
| 280.75 | Refunds |
| 280.80 | Estimated Bills |
| 280.90 | Past Due Bills and Late Payment Charges |
| 280.100 | Unbilled Service |
| 280.105 | Treatment of Illegal Taps |
| 280.110 | Deferred Payment Agreements |
| 280.120 | Budget Payment Plan |
| 280.130 | Discontinuance of Service |
| 280.135 | Discontinuance of Service During the Period of Time from December 1 Through and Including March 31 |
| 280.138 | Reconnection of Former Residential Utility Customers for the Heating Season |
| 280.140 | Discontinuance of Service to Accounts Affecting Master Metered Apartment Buildings |
| 280.150 | Service Reconnection Charge |
| 280.160 | Dispute Procedures |
| 280.170 | Commission Complaint Procedures |
| 280.180 | Public Notice of Commission Rules |
| 280.190 | Second Language Notices |
| 280.200 | Customer Information Booklet |
| APPENDIX A | Notice of Utility Shut Off |
| APPENDIX B | Requirements to Avoid Shut Off of Service in the Event of Illness |
| APPENDIX C | Public Notice |
| APPENDIX D | Insert to be Included with Each Notice of Disconnection Sent to Residential Gas and Electric Customers |

AUTHORITY: Implementing the Small Business Utility Deposit Relief Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 1001 et seq.) and Sections 8-101 and 8-207 of the Public Utilities Act (Ill. Rev.

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Stat. 1991, ch. 111 2/3, pars. 8-101 and 8-207), and authorized by Section 8 of the Small Business Utility Deposit Relief Act (Ill. Rev. Stat. 1991, ch. 111 2/3, par. 1008) and Sections 8-101, 8-207, and 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 8-101, 8-207, and 10-101).

SOURCE: Rule repealed, new rule adopted at 3 Ill. Reg. 1, p. 102, effective January 6, 1979; emergency amendment at 3 Ill. Reg. 46, p. 65, effective November 16, 1979, for a maximum of 150 days; amended at 4 Ill. Reg. 46, p. 1274, effective November 10, 1980; amended at 6 Ill. Reg. 10917, effective September 7, 1982; amended at 6 Ill. Reg. 13723, effective November 8, 1982; amended at 7 Ill. Reg. 9285, effective July 22, 1983; codified at 7 Ill. Reg. 13218; 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 13221, effective November 1, 1983; emergency amendment at 7 Ill. Reg. 16667, effective December 1, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 3664, effective March 15, 1984; emergency amendment at 8 Ill. Reg. 17924, effective September 13, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21222, effective October 15, 1984; amended at 9 Ill. Reg. 2268, effective February 8, 1985; amended at 16 Ill. Reg. 11023, effective July 1, 1992; amended at 17 Ill. Reg. 805, effective January 15, 1993.

NOTE: Statutory language is denoted by italics or capital letters.

Section 280.138 Reconnection of Former Residential Utility Customers for the Heating Season

- a) ANY FORMER RESIDENTIAL CUSTOMER WHOSE GAS OR ELECTRIC SERVICE WAS USED TO PROVIDE OR CONTROL THE PRIMARY SOURCE OF SPACE HEATING IN THE DWELLING AND WHOSE SERVICE IS DISCONNECTED FOR NON-PAYMENT OF A BILL OR A DEPOSIT FROM DECEMBER 1 OF THE PRIOR WINTER'S HEATING SEASON THROUGH APRIL 1 OF THE CURRENT HEATING SEASON SHALL BE ELIGIBLE FOR RECONNECTION AND A DEFERRED PAYMENT ARRANGEMENT UNDER THE PROVISIONS OF THIS SECTION, SUBJECT TO THE FOLLOWING LIMITATIONS:
 - b) A UTILITY SHALL NOT BE REQUIRED TO RECONNECT SERVICE TO ~~OFFER RECONNECTION~~ AND ENTER INTO A DEFERRED PAYMENT ARRANGEMENT ~~TO~~ WITH A FORMER CUSTOMER UNDER THE PROVISIONS OF THIS SECTION:
 - 1) EXCEPT BETWEEN NOVEMBER 15 AND APRIL 1 OF THE CURRENT HEATING SEASON FOR FORMER CUSTOMERS WHO DO NOT HAVE APPLICATIONS PENDING FOR THE PROGRAM DESCRIBED IN SECTION 6 OF THE ENERGY ASSISTANCE ACT

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NOTICE OF ADOPTED AMENDMENT

OF 1989 (Ill. Rev. Stat. 1991, ch. 111 2/3, par. 1406), AND EXCEPT BETWEEN OCTOBER 1 AND APRIL 1 OF THE CURRENT HEATING SEASON FOR ALL FORMER CUSTOMERS WHO DO HAVE APPLICATIONS PENDING FOR THE PROGRAM DESCRIBED IN SECTION 6 OF THE ENERGY ASSISTANCE ACT OF 1989 AND WHO PROVIDE PROOF OF APPLICATION TO THE UTILITY;

- 2) IN TWO CONSECUTIVE YEARS;
- 3) UNLESS THAT FORMER CUSTOMER HAS PAID AT LEAST 33 1/3 PERCENT OF THE AMOUNT BILLED FOR UTILITY SERVICE RENDERED BY THAT UTILITY SUBSEQUENT TO DECEMBER 1 OF THE PRIOR YEAR; OR
- 4) IN ANY INSTANCE WHERE THE UTILITY CAN SHOW THERE HAS BEEN TAMPERING WITH THE UTILITY'S WIRES, PIPES, METERS (INCLUDING LOCKING DEVICES), OR OTHER SERVICE EQUIPMENT AND FURTHER SHOWS THAT THE FORMER CUSTOMER ENJOYED THE BENEFIT OF UTILITY SERVICE OBTAINED IN THE AFORESAID MANNER.

c) THE TERMS AND CONDITIONS OF ANY DEFERRED PAYMENT ARRANGEMENTS ESTABLISHED BY THE UTILITY AND A FORMER CUSTOMER SHALL TAKE INTO CONSIDERATION THE FOLLOWING FACTORS, BASED UPON INFORMATION AVAILABLE FROM CURRENT UTILITY RECORDS OR PROVIDED BY THE FORMER CUSTOMER:

- 1) THE AMOUNT PAST DUE; AND
- 2) THE FORMER CUSTOMER'S ABILITY TO PAY; AND
- 3) THE FORMER CUSTOMER'S PAYMENT HISTORY; AND
- 4) THE REASONS FOR THE ACCUMULATION OF THE PAST DUE AMOUNTS; AND
- 5) ANY OTHER RELEVANT FACTORS RELATING TO THE FORMER CUSTOMER'S CIRCUMSTANCES.

d) AFTER THE FORMER CUSTOMER'S ELIGIBILITY HAS BEEN ESTABLISHED IN ACCORDANCE WITH THE FIRST PARAGRAPH OF THIS SECTION, AND, UPON THE ESTABLISHMENT OF A DEFERRED PAYMENT AGREEMENT, THE FORMER CUSTOMER SHALL PAY 1/3 OF THE AMOUNT PAST DUE (INCLUDING RECONNECTING CHARGE, IF ANY) AND 1/3 OF ANY DEPOSIT REQUIRED BY THE UTILITY.

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NOTICE OF ADOPTED AMENDMENT

e) Reconnection

- 1) UPON THE PAYMENT OF 1/3 OF THE AMOUNT PAST DUE AND 1/3 OF ANY DEPOSIT REQUIRED BY THE UTILITY, THE FORMER CUSTOMER'S SERVICE SHALL BE RECONNECTED AS SOON AS POSSIBLE. THE COMPANY AND THE FORMER CUSTOMER SHALL AGREE TO A PAYMENT SCHEDULE FOR THE REMAINING BALANCES WHICH WILL REASONABLY ALLOW THE FORMER CUSTOMER TO MAKE THE PAYMENTS ON THE REMAINDER OF THE DEPOSIT AND THE PAST DUE BALANCE WHILE PAYING CURRENT BILLS DURING THE WINTER HEATING SEASON.

- 2) Notwithstanding the foregoing, A FORMER CUSTOMER WHO DEMONSTRATES to the utility, or to the Commission through a formal or informal complaint under Sections 280.160 or 280.170, A FINANCIAL INABILITY TO MEET THE REQUIREMENT OF 1/3 OF THE AMOUNT PAST DUE AND 1/3 OF ANY DEPOSIT REQUESTED BY THE UTILITY, SHALL BE RECONNECTED UPON PAYING A REASONABLE AMOUNT AND UPON ENTERING INTO A DEFERRED PAYMENT AGREEMENT (Section 8-207 of the Public Utilities Act ("Act") (Ill. Rev. Stat. 1991, ch. 111 2/3, par. 8-207).

A) In determining financial inability under this subsection, the following factors, among others, shall be considered:

- i) the combined income and financial resources of all persons residing in the former customer's household,
- ii) the combined living expense of the former customer's household,
- iii) THE FORMER CUSTOMER'S PAYMENT HISTORY, AND
- iv) THE REASONS FOR THE ACCUMULATION OF THE PAST DUE AMOUNTS.

B) For purposes of this subsection, a "reasonable amount" shall be deemed to be 20 percent of the amount past due and 20 percent of any deposit required by the utility.

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NOTICE OF ADOPTED AMENDMENT

3) HOWEVER, THE UTILITY IS NOT OBLIGED TO MAKE PAYMENT ARRANGEMENTS EXTENDING BEYOND THE FOLLOWING NOVEMBER. THE UTILITY SHALL ALLOW THE FORMER CUSTOMER A MINIMUM OF FOUR MONTHS IN WHICH TO RETIRE THE PAST DUE BALANCE AND THREE MONTHS IN WHICH TO PAY THE REMAINDER OF THE DEPOSIT. THE FORMER CUSTOMER SHALL ALSO BE INFORMED THAT PAYMENT ON THE AMOUNTS PAST DUE AND THE DEPOSIT, IF ANY, PLUS THE CURRENT BILLS MUST BE PAID BY THE DUE DATE OR THE CUSTOMER MAY FACE TERMINATION OF SERVICE PURSUANT TO SECTIONS 280.130, 280.135 and 280.138 of this Part.

f) ANY PAYMENT AGREEMENT MADE SHALL BE IN WRITING, WITH A COPY PROVIDED TO THE FORMER CUSTOMER. The renegotiation and reinstatement provisions contained in Section 280.110 and the Budget Payment Plan provision of Section 280.120 shall also apply to payment agreements made pursuant to this section.

g) NOT LATER THAN NOVEMBER SEPTEMBER 15 OF EACH YEAR, EVERY GAS AND ELECTRIC UTILITY SHALL CONDUCT A SURVEY OF ALL FORMER RESIDENTIAL CUSTOMERS WHOSE GAS AND/OR ELECTRIC SERVICE WAS USED TO PROVIDE OR CONTROL THE PRIMARY SOURCE OF SPACE HEATING IN THE DWELLING AND WHOSE GAS AND/OR ELECTRIC SERVICE WAS TERMINATED FOR NONPAYMENT OF A BILL OR DEPOSIT FROM DECEMBER 1 OF THE PREVIOUS YEAR TO NOVEMBER SEPTEMBER 15 OF THAT YEAR AND WHERE SERVICE AT THAT PREMISES HAS NOT BEEN RESTORED. NOT LATER THAN NOVEMBER 25 OCTOBER 1 OF EACH YEAR THE UTILITY SHALL NOTIFY EACH OF THESE FORMER CUSTOMERS THAT THE GAS AND/OR ELECTRIC SERVICE WILL BE RESTORED BY THE COMPANY FOR THE COMING HEATING SEASON IF THE FORMER CUSTOMER CONTACTS THE UTILITY AND MAKES ARRANGEMENTS TO PAY THE PAST DUE BALANCE AND ANY DEPOSIT TO THE UTILITY UNDER THE CONDITIONS SET FORTH IN THIS SECTION. A UTILITY SHALL NOTIFY THE FORMER CUSTOMER OR AN ADULT MEMBER OF THE HOUSEHOLD BY PERSONAL VISIT, TELEPHONE CONTACT OR MAILING OF A LETTER BY FIRST CLASS MAIL TO THE LAST KNOWN ADDRESS OF THAT FORMER CUSTOMER. THE UTILITY SHALL KEEP RECORDS WHICH WOULD INDICATE THE DATE, FORM AND THE RESULTS OF SUCH CONTACT.

h) Not later than February 20 and May 20 of each year, EACH GAS AND ELECTRIC UTILITY WHICH HAS FORMER CUSTOMERS AFFECTED BY THIS SECTION SHALL FILE A REPORT WITH THE COMMISSION PROVIDING statistical data concerning numbers of disconnections and reconnections involving utility service and deposits, and data concerning the dollar

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amounts involved in such transactions. THE COMMISSION SHALL NOTIFY EACH GAS AND ELECTRIC UTILITY PRIOR TO AUGUST 1 OF EACH YEAR CONCERNING THE INFORMATION WHICH IS TO BE INCLUDED IN THE REPORT FOR THE FOLLOWING HEATING SEASON (Section 8-207 of the Act).

i) IN NO EVENT SHALL ANY ACTIONS TAKEN BY A UTILITY IN COMPLIANCE WITH THIS SECTION BE DEEMED TO ABROGATE OR IN ANY WAY INTERFERE WITH THE UTILITY'S RIGHTS TO PURSUE THE NORMAL COLLECTION PROCESSES OTHERWISE AVAILABLE TO IT.

(Source: Amended at 17 Ill. Reg. 805 , effective January 15, 1993)

DEPARTMENT OF PUBLIC AID

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1) Heading of the Part: Aid To Families With Dependent Children

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: Adopted Action:

112.9 Amendment
112.154 Repeal

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13)

5) Effective Date of Amendments: January 15, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 15, 1993

9) Notice of Proposal Published in Illinois Register:

89 Ill. Adm. Code 112.9

September 4, 1992 (16 Ill. Reg. 13381)

89 Ill. Adm. Code 112.154

September 25, 1992 (16 Ill. Reg. 14522)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: No substantive changes were made to the text of the amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

| | | |
|---------|-----------|--|
| 112.127 | Amendment | December 18, 1992 (16 Ill. Reg. 19642) |
| 112.153 | Amendment | December 4, 1992 (16 Ill. Reg. 18216) |
| 112.250 | Amendment | January 4, 1993 (17 Ill. Reg. 46) |

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| <u>Sections</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|-----------------|------------------------|--------------------------------------|
| 112.252 | Amendment | January 4, 1993 (17 Ill. Reg. 46) |
| 112.253 | Amendment | January 4, 1993 (17 Ill. Reg. 46) |
| 112.254 | Amendment | January 4, 1993 (17 Ill. Reg. 46) |
| 112.330 | Amendment | October 9, 1992 (16 Ill. Reg. 15277) |

15) Summary and Purpose of Amendments:

89 Ill. Adm. Code 112.9

This rule change conforms to a change in state law. A state law change has eliminated the provision that benefits be reinstated in full to the date of change when assistance was reduced or terminated due to a client's failure to cooperate within 10 working days after the first day financial aid would have been available and the client indicates a willingness to cooperate with the Department.

89 Ill. Adm. Code 112.154

This rulemaking is necessary to delete provisions regarding the transfer of assets for applications filed prior to October 1, 1989. Transfer of asset policy was obsoleted with the implementation of the Medicare Catastrophic Coverage Act of 1988. Regardless of the reason for the transfer, eligibility is not affected because of a transfer of assets.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna

Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762

Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section

112.1 Description of the Assistance Program
112.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section

112.70 Participation Requirements For Project Chance
112.71 Individuals Exempt From Project Chance
112.72 Project Chance Participation/Cooperation Requirements
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74 Project Chance Initial Assessment Process/Development of an Employability Plan
112.76 Project Chance Orientation
112.77 Conciliation and Fair Hearings
112.78 Project Chance Components
112.79 Project Chance Sanctions
112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements
112.81 Responsible Relative Eligibility For Project Chance

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112.82 Project Chance Supportive Services
112.83 Young Parents Program
112.84 Work Experience Evaluation Project
112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section

112.86 Project Advance
112.87 Project Advance Experimental and Control Groups
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
112.90 Project Advance Sanctions
112.91 Good Cause for Failure to Comply with Project Advance
112.93 Individuals Exempt From Project Advance
112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section

112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100 Unearned Income
112.101 Unearned Income of Stepparent or Parent
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump Sum Payments
112.128 Protected Income
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees

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112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income From Work/Study/Training Program
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 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers (Repealed)
 112.155 AFDC Income Limit

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 Payment Levels in AFDC
 Payment Levels in AFDC Group I Counties
 Payment Levels in AFDC Group II Counties
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Persons Who May Be Included in the Assistance Unit
 Presumptive Eligibility
 Monthly Reporting
 Retrospective Budgeting
 Budgeting Schedule
 Strikers
 Foster Care Program
 Responsibility of Sponsors of Aliens
 Special Needs Authorizations
 Institutional Status
 Young Parent Program (Renumbered)
 Redetermination of Eligibility
 Twelve Month Extension of Medical Assistance Due to Increased Income from Employment

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112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

SUBPART J: CHILD CARE

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Child Care
 Child Care Eligibility
 Qualified Provider
 Notification of Available Services
 Participant Rights and Responsibilities
 Additional Service to Secure or Maintain Child Care Arrangements
 Rates of Payment for Child Care
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SUBPART K: TRANSITIONAL CHILD CARE

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Transitional Child Care Eligibility
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 Loss of Eligibility for Transitional Child Care
 Qualified Child Care Providers
 Notification of Available Services
 Participant Rights and Responsibilities
 Child Care Overpayments and Recoveries
 Fees for Service for Transitional Child Care
 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40,

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P. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January

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1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15621, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H

and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.9 Client Cooperation

- a) As a condition of eligibility, clients must cooperate:
 - 1) in the determination of eligibility;
 - 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;

Section 112.9(a) (continued)

- 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.
- b) Clients are required to avail themselves of all potential resources.
- c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.
- d) Reinstatement
 - 1) Whenever financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client, within ten (10) working days after the first day the financial aid would have been available, indicates his or her willingness to cooperate with the Department, the financial aid shall be reinstated in full, retroactive to the date the change of termination of the grant occurred, provided the client is not otherwise ineligible for financial assistance for the period in question.
 - 2) Failure to cooperate includes but is not limited to failure to keep an appointment, failure to attend a meeting, failure to produce proof of verification of eligibility or need in response to a Department request to contact it and failure to be available for a home visit.
 - 3) Whenever a client whose benefits have been reduced or terminated for failure to cooperate contacts the Department about the termination or reduction within ten (10) working days after the first day the financial aid would have been available, the Department shall inform the client that his/her financial assistance will be reinstated if he/she indicates a willingness to cooperate. The client shall be deemed willing to cooperate with the Department when he/she makes contact with the Department for the purpose of speaking to appropriate staff and indicating a willingness to cooperate.
 - 4) The client's willingness to cooperate shall be demonstrated by his/her willingness to attend a rescheduled appointment or meeting, producing needed proof of verification, asking for help in obtaining proof of verification or seeking whatever is needed to determine continued eligibility.

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Section 112.9(d) (continued)

- 5) If the client fails to cooperate a second time for the same reason after being reinstated once under this subsection (d), assistance will not be reinstated again until the client actually cooperates. If the client expresses a willingness to cooperate within ten (10) working days after the first day the financial aid would have been available, and actually cooperates, the financial aid will be reinstated in full as in subsection (d)(1) above.
- 6) The policy in this subsection (d) does not apply in the case of sanctions imposed due to the failure of a client to participate as required, in the child support enforcement program (see 89 Ill. Adm. Code 160) or in any educational training or employment program conducted through the Department (see Sections 112.70 thru 112.82).

e) At screening, applicants shall be informed, in writing, of any information they are to provide at the eligibility interview.

f) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow ten (10) days for the return of the requested information. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period shall be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

g) At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department shall allow ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period shall be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant shall provide written verification of the request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

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Section 112.9(f) (continued)

- 1) Third party information is defined as information which must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.
- 2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide such verification.
- 3) If the applicant requests an extension either verbally or in writing in order to obtain third party information and provides written verification of the request for the third party information such as a copy of the request that was sent to the third party, an extension of ninety (90) days from the date of application shall be granted. The first day of the ninety (90) day period is the calendar day following the date of application. The 90th day must be a work day.
- 4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing evidence to support the client's eligibility for assistance.

(Source: Amended at 17 Ill. Reg. 813, effective January 15, 1993)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.154 Property Transfers (Repealed)

- a) The provisions for the transfer of property (i.e., assets) do not affect eligibility for applications filed on or after October 1, 1989, regardless of the date of the transfer or the applications filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.
- b) The provisions listed below apply to applications filed prior to October 1, 1989, and only with respect to property (i.e., assets) transferred prior to October 1, 1989.
- 1) A transfer of assets occurs when an applicant or recipient buys, sells or gives away real or personal property or changes (e.g., changes from joint tenancy to tenancy in common) the way property is held.

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Section 112.154(b) (continued)

- 2) A transfer is allowable if:
- A) the transfer occurred more than two years from the date of review;
 - B) a fair market value was received; Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;
 - C) the transfer was involuntary (e.g., tax sales, judgment sales, etc.);
 - D) the transfer was due to separation, divorce or other settlement (i.e., when the court orders a settlement of a client's assets or when the client and the client's spouse divide their assets in half without a court order);
 - E) the transfer was a change from an individual to joint bank account;
 - F) the transfer was of exempt assets;
 - G) the transfer was an equal division of marital assets.
- 3) If the transfer does not fall within the listing of subsection (b) above, the transfer will be reviewed to determine if the transfer was made to qualify for or increase the need for assistance. If the transfer was made to qualify for or increase the need for assistance, the client is ineligible until whichever occurs first:
- A) the asset is returned; or
 - B) a fair market value is paid to the client; or
 - C) the period of time the asset would meet the client's needs has passed; or
 - D) two years has passed.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 112.154(b) (continued)

- 4) If a client transfers an asset which is not allowable the client must verify that the transfer was not made to qualify for assistance (e.g., a bank repossesses the property. The client must provide a copy of the repossession paper (e.g.) to the Department).
- 5) Length of Ineligibility
- A) The client is ineligible for assistance for the number of months that the asset would have met his/her needs up to 2 years from the date of the transfer. (To determine the number of months the asset would have met the client's need, divide the amount of the asset by the AFDC Standard of Need plus incurred medical expenses.)
 - B) For applicants, the first month of ineligibility is the month of application.
 - C) For recipients, the first month of ineligibility is the month assistance was discontinued because of the transfer.

(Source: Repealed at 17 Ill. Reg. 813, effective January 15, 1993)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: 113.9
Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars 3-1 et seq. and 12-13)
- 5) Effective Date of Amendments: January 15, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 15, 1993
- 9) Notice of Proposal Published in Illinois Register:
September 4, 1992 (16 Ill. Reg. 13383)

10) Has JC&R issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: No substantive changes were made to the text of the amendments.

12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes

13) Will these Amendments replace Emergency Amendments currently in effect?
Yes

14) Are there any Amendments pending on this Part? Yes

| Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|---|
| 113.154 | Repeal | October 2, 1992 (16 Ill. Reg. 14999) |
| 113.253 | Amendment | January 22, 1993 (17 Ill. Reg. 702) |
| 113.260 | Amendment | January 22, 1993 (17 Ill. Reg. 702) |
| 113.309 | New Section | November 20, 1992 (16 Ill. Reg. 17457) |
| 113.330 | New Section | September 25, 1992 (16 Ill. Reg. 14533) |
| 113.410 | Amendment | September 25, 1992 (16 Ill. Reg. 14533) |
| 113.425 | Amendment | November 6, 1992 (16 Ill. Reg. 17047) |
| 113.430 | Amendment | November 6, 1992 (16 Ill. Reg. 17047) |
| 113.450 | New Section | November 20, 1992 (16 Ill. Reg. 17457) |

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NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: This rule change conforms to a change in state law. A state law change has eliminated the provision that benefits be reinstated in full to the date of change when assistance was reduced or terminated due to a client's failure to cooperate within 10 working days after the first day financial aid would have been available and the client indicates a willingness to cooperate with the Department.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
113.1 Description of the Assistance Program
113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
113.9 Client Cooperation
113.10 Citizenship
113.20 Residence
113.30 Age
113.40 Blind
113.50 Disabled
113.60 Living Arrangement
113.70 Institutional Status
113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Earmarked Income
113.107 Lump Sum Payments and Income Tax Refunds
113.108 Protected Income (Repealed)
113.109 Earned Income (Repealed)
113.110 Budgeting Earned Income (Repealed)
113.111 Protected Income
113.112 Earned Income
113.113 Exempt Unearned Income
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115 Initial Employment
113.116 Budgeting Earned Income For Contractual Employees

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NOTICE OF ADOPTED AMENDMENTS

113.117 Budgeting Earned Income For Non-contractual School Employees
113.118 Termination of Employment
113.120 Exempt Earned Income
113.125 Recognized Employment Expenses
113.130 Income From Work/Study/Training Programs
113.131 Earned Income From Self-Employment
113.132 Earned Income From Roomer and Boarder
113.133 Earned Income From Rental Property
113.134 Earned Income In-Kind
113.139 Payments from the Illinois Department of Children and Family Services

113.140 Assets
113.141 Exempt Assets
113.142 Asset Disregard
113.143 Deferral of Consideration of Assets
113.154 Property Transfers For Applications Filed Prior To October 1, 1989
113.155 Property Transfers For Applications Filed On Or After October 1, 1989

113.156 Court Ordered Child Support Payments of Parent/Step-Parent
113.157 Sponsors of Aliens
113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
113.245 Payment Levels for AABD
113.246 Personal Allowance
113.247 Personal Allowance Amounts
113.248 Shelter
113.249 Utilities and Heating Fuel
113.250 Laundry
113.251 Telephone
113.252 Transportation, Lunches, Special Fees
113.253 Allowances for Increase in SSI Benefits
113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
113.255 Sheltered Care in a Licensed Group Care Facility
113.256 Shopping Allowance
113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
113.258 Home Delivered Meals
113.259 AABD Fuel and Utility Allowances By Area
113.260 Sheltered Care Rates
113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

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NOTICE OF ADOPTED AMENDMENTS

SUBPART E: OTHER PROVISIONS

Section
 113.300 Persons Who May Be Included In the Assistance Unit
 113.301 Grandfathered Cases
 113.302 Interim Assistance (Repealed)
 113.303 Special Needs Authorizations
 113.304 Retrospective Budgeting
 113.305 Budgeting Schedule
 113.306 Purchase and Repair of Household Furniture (Repealed)
 113.307 Property Repairs and Maintenance
 113.308 Excess Shelter Allowance
 113.309 Limitation on Amount of AABD Assistance to Recipients from Other
 EMERGENCY States
 113.320 Redetermination of Eligibility
 113.330 Attorney's Fees for VA Appellants
 EMERGENCY

SUBPART F: INTERIM ASSISTANCE

Section
 113.400 Description of the Interim Assistance Program
 113.405 Pending SSI Application
 113.410 More Likely Than Not Eligible for SSI
 EMERGENCY
 113.415 Non-Financial Factors of Eligibility
 113.420 Financial Factors of Eligibility
 113.425 Payment Levels for Chicago Interim Assistance Cases
 EMERGENCY
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago
 EMERGENCY
 113.435 Medical Eligibility
 113.440 Attorney's Fees for SSI Applicants
 113.445 Advocacy Program for Persons Receiving Interim Assistance
 113.450 Limitation on Amount of Interim Assistance to Recipients from Other
 EMERGENCY States
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days;

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emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective

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December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12,

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1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 113.9 Client Cooperation

a) As a condition of eligibility, clients must cooperate:

- 1) in the determination of eligibility;
- 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;
- 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date.

b) Clients are required to avail themselves of all potential resources.

c) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.

d) Reinstatement

- 1) Whenever financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client, within ten (10) working days after the first day the financial aid would have been available, indicates his or her willingness to cooperate with the Department, the financial aid shall be reinstated in full, retroactive to the date the change of termination of the grant occurred, provided the client is not otherwise ineligible for financial assistance for the period in question.

DEPARTMENT OF PUBLIC AID

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Section 113.9(d) (continued)

- 2) Failure-to-cooperate-includes-but-is-not-limited-to-failure-to-keep-an-appointment,-failure-to-attend-a-meeting,-failure-to-produce-proof-of-verification-of-eligibility-or-need-in-response-to-a-Department-request-to-contact-it-and-failure-to-be-available-for-a-home-visit.
- 3) Whenever-a-client-whose-benefits-have-been-reduced-or-terminated-for-failure-to-cooperate-contacts-the-Department-about-the-termination-or-reduction-within-ten-(10)-working-days-after-the-first-day-the-financial-aid-would-have-been-available,-the-Department-shall-inform-the-client-that-his/her-financial-assistance-will-be-reinstated-if-he/she-indicates-a-willingness-to-cooperate.-The-client-shall-be-deemed-willing-to-cooperate-with-the-Department-when-he/she-makes-contact-with-the-Department-for-the-purpose-of-speaking-to-appropriate-staff-and-indicating-a-willingness-to-cooperate.
- 4) The-client's-willingness-to-cooperate-shall-be-demonstrated-by-his/her-willingness-to-attend-a-scheduled-appointment-or-meeting,-producing-needed-proof-of-verification,-asking-for-help-in-obtaining-proof-of-verification-or-seeking-whatever-is-needed-to-determine-continued-eligibility.
- 5) If-the-client-fails-to-cooperate-a-second-time-for-the-same-reason-after-being-reinstated-once-under-this-subsection-(d),-assistance-will-not-be-reinstated-again-until-the-client-actually-cooperates.-If-the-client-expresses-a-willingness-to-cooperate-within-ten-(10)-working-days-after-the-first-day-the-financial-aid-would-have-been-available,-and-actually-cooperates,-the-financial-aid-will-be-reinstated-in-full-as-in-subsection-(d)(1)-above.

e)d) At screening, applicants shall be informed, in writing of any information they are to provide at the eligibility interview.

f)e) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow ten (10) days for the return of the requested information. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period shall be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

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NOTICE OF ADOPTED AMENDMENTS

Section 113.9 (continued)

g)f) At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department shall allow ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of the ten (10) day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten (10) day period shall be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant shall provide written verification of the request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

- 1) Third party information is defined as information which must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.
- 2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide such verification.

3) If the applicant requests an extension either verbally or in writing in order to obtain third party information and provides written verification of the request for the third party information such as a copy of the request that was sent to the third party, an extension of ninety (90) days from the date of application shall be granted. The first day of the ninety (90) day period is the calendar day following the date of application. The 90th day must be a work day.

- 4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing evidence to support the client's eligibility for assistance.

(Source: Amended at 17 Ill. Reg. 827, effective January 15, 1993)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
 140.525 Amendment
 140.538 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)
- 5) Effective Date of Amendments: January 11, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 11, 1993
- 9) Notice of Proposal Published in Illinois Register:

August 28, 1992 (16 Ill. Reg. 13211)

- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes have been made in the proposed amendments to Section 140.525.

The title of the rule, "Eligibility for Quality Incentive Program (QUIP)" has been changed to "Quality Incentive Program (QUIP) Payment Levels."

All of the rule language in Section 140.525 has been eliminated except that found in Subsection (d). Subsection (d) has been revised by deleting the words, "Quality Incentive Program (QUIP) Payment Levels." No other changes have been made in the text of proposed subsection (d).

No changes have been made in the text of proposed Section 140.538.

Several technical changes have been made in response to recommendations from the Administrative Code Division in a memorandum dated September 23, 1992.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace Emergency Amendments currently in effect?
 Yes

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any Amendments pending on this Part? Yes

| Sections | Proposed Action | Illinois Register Citation |
|--------------|-----------------|--|
| 140.12 | Amendment | November 6, 1992 (16 Ill. Reg. 17049) |
| 140.19 | Amendment | January 8, 1993 (17 Ill. Reg. 62) |
| 140.80 | New Section | October 2, 1992 (16 Ill. Reg. 15019) |
| 140.82 | New Section | October 2, 1992 (16 Ill. Reg. 15019) |
| 140.84 | New Section | October 2, 1992 (16 Ill. Reg. 15019) |
| 140.94 | Amendment | October 2, 1992 (16 Ill. Reg. 15019) |
| 140.95 | Amendment | October 2, 1992 (16 Ill. Reg. 15019) |
| 140.485 | Amendment | October 30, 1992 (16 Ill. Reg. 16495) |
| 140.488 | Amendment | October 30, 1992 (16 Ill. Reg. 16495) |
| 140.492 | Amendment | September 4, 1992 (16 Ill. Reg. 13397) |
| 140.511 | Amendment | November 20, 1992 (16 Ill. Reg. 17461) |
| 140.539 | Amendment | December 25, 1992 (16 Ill. Reg. 19665) |
| 140.642 | Amendment | November 30, 1992 (16 Ill. Reg. 17956) |
| 140.648 | Amendment | November 13, 1992 (16 Ill. Reg. 17209) |
| 140.700 | Amendment | May 15, 1992 (16 Ill. Reg. 7576) |
| 140. Table K | Amendment | May 15, 1992 (16 Ill. Reg. 7576) |

- 15) Summary and Purpose of Amendments:

15 Ill. Adm. Code 140.525

These amendments eliminate payments by the Department to long term (LTC) facilities and developmental training (DT) agencies under the Quality Incentive Program (QUIP). QUIP payments were reduced under the Emergency Budget Act (EBA) of Fiscal Year 1992, and will be eliminated effective July 1, 1992.

The amendments provide information regarding QUIP payment levels for the period beginning July 1, 1991 and ending January 31, 1992, and for the period of February 1, 1992 through June 30, 1992 which reflects the EBA reductions.

The elimination of QUIP payments will permit the Department to redirect QUIP funding toward essential LTC programs and services. The absence of QUIP payments will not result in any negative impact upon regular reimbursement levels paid by the Department to LTC facilities and DT agencies.

Other rules pertaining to QUIP (140.526, 140.527, 140.528 and 140.529) have been proposed for repeal. The proposed repeal was published on June 19, 1992, at 16 Ill. Reg. 9393.

DEPARTMENT OF PUBLIC AID

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The Department estimates the annual budget reduction resulting from the elimination of QUIP payments at approximately \$13.8 million. A reallocation of these funds will occur for payments for essential LTC Medicaid services.

89 Ill. Adm. Code 140.538

The amendments in Section 140.538 update the Public Act number from 87-13 to 87-861, to accurately reference the revised Medicaid assessment program which is effective for Fiscal Year 1993.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1
140.2
140.3

Incorporation By Reference
Medical Assistance Programs
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Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
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Medical Assistance For Qualified Severely Impaired Individuals
Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29,

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1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 3223, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill.

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Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 and 140.914 recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 and 147.207, effective March 22, 1988; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570,

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effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8072, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: GROUP CARE

Section 140.525 Eligibility For Quality Incentive Program (QUIP) Payment Levels

- a) A facility must meet basic eligibility qualifications and Quality Incentive Program (QUIP) standards to be eligible for an incentive payment(s). -- Staff of the Illinois Department of Public Aid (IDPA) will conduct quality incentive assessments in all skilled nursing facilities (SNF and SNF-PED) and intermediate care facilities (ICF), but excluding intermediate care facilities for the mentally retarded and developmentally disabled (ICF-MR/DD), specialized living centers (SLC), and intermediate care facilities for the mentally retarded and developmentally disabled with fifteen or fewer residents (ICF-MR/DD-15) enrolled in the Medical Assistance Program unless the facility has requested in writing that the Department not conduct the assessment or assess a specific QUIP component. -- The facilities identified above (ICF-MR/DD, SLC, and ICF-MR/DD-15) for exclusion from the QUIP assessment process will continue to receive QUIP payments determined during the Spring 1987 QUIP assessment survey for the reimbursement periods beginning January 1, 1988, and will continue until the implementation of the DD-QUIP tool. -- Facilities for the developmentally disabled which did not receive a QUIP assessment for this reimbursement period, or did receive such an assessment and did not meet the required achievement level for all Parts of QUIP, may request a QUIP assessment for reimbursement periods falling between January 1, 1988, and December 31, 1988. Assessments which occur after January 1, 1988 will result in QUIP payments retroactive to January 1, 1988, or the date when all eligibility qualifications are met in the case of facilities which were not operational at the time of QUIP assessments for the reimbursement period July 1, 1987, through December 31, 1987. Compliance with all QUIP eligibility qualifications since January 1, 1987, is required of facilities for the developmentally disabled, which were operational prior to this date, requesting QUIP assessments under these provisions. -- Requests for such assessments must be submitted (delivered or postmark dated) in writing to the Department by September 30, 1988. -- Intermediate care facilities for the mentally retarded and developmentally disabled (ICF-MR/DD, SLC, and ICF-MR/DD-15) which may request a QUIP assessment are:
- 1) Facilities which did receive a QUIP assessment for the reimbursement period July 1, 1987, through December 31, 1987, but did not meet the achievement level for all Parts of QUIP.

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Section 140.525(a) (continued)

- 2) Facilities which were not in operation at the time of QUP assessments for the reimbursement period July 1, 1987, through December 31, 1987.
- 3) Facilities which were ineligible for QUP at some time in 1987, and have not received QUP payments in 1988.
- b) In order to be eligible for the Quality Incentive Program, a facility must meet the five following basic qualifications. In the event that a facility is involved in a hearing or appeal regarding subsection (b)(1), (2), or (4), a QUP assessment will be conducted as regularly scheduled and the results will be handled as specified in subsection (b)(1), (2), or (4).

1) Participation in the Medical Assistance Program

- A) A facility shall be currently certified for participation in the Medicaid Program and have a current provider agreement as required in Section 140.11 of this Part. If the Department initiates a termination action against any level of care in the facility, the Department will withhold QUP payments effective with the date the facility is notified of the administrative action and continuing during the pendency of the hearing. If the facility prevails at the hearing and the facility is otherwise eligible for QUP, the action will not affect the facility's QUP eligibility and withheld QUP payments will be released to the facility. If the facility does not prevail at the hearing and the facility's provider agreement is terminated or the facility is terminated from the Medical Assistance Program, QUP payments will not be released, and the facility will be considered ineligible for QUP as of the date the facility was notified of the administrative action. If the federal government initiates a termination action against any level of care in the facility, all QUP payments will be withheld beginning with the date the action was initiated and continuing during the pendency of any hearing and will be released only if the facility prevails in the hearing. Ineligibility for QUP will occur as of the date of initiation of the federal action. Any termination action will disqualify the facility for QUP for the remainder of the QUP period (as defined in Section 140.528(a)) as specified above, and will disqualify the facility for QUP for the subsequent QUP period(s) until the facility is again eligible under this qualification. When a facility reenters the Medical Assistance Program,

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NOTICE OF ADOPTED AMENDMENTS

Section 140.525(b)(1)(A) (continued)

- and remains in the Medical Assistance Program for the duration of one full QUP eligibility period it will again be eligible for participation in QUP.
- B) If a facility voluntarily withdraws from the Medical Assistance Program, the facility will no longer be eligible for participation in QUP, and QUP payments will be discontinued as of the date of receipt of the notification to the Department of the voluntary withdrawal.
- 2) A facility shall be currently licensed as required in rules of the Illinois Department of Public Health (IDPH) at 71-111-Adm Code 300.120 through 300.160, 350.120 through 350.160, or 390.120 through 390.160.
- A) If IDPH takes any action to revoke, suspend, or not renew a facility's license, the facility shall become ineligible for QUP. On the date of notification of license action, such ineligibility shall continue as described in Section 140.525(b)(2)(C). If the facility administratively appeals IDPH's license action, payments will be withheld from the date of notification of license action and continuing for the duration of the license action plus the remainder of the QUP eligibility period during which the license action ends. If the facility prevails in such appeal and the facility is otherwise eligible for QUP, the facility will be eligible for QUP as if no license action had occurred. If the facility does not administratively appeal IDPH's license action, and the action is overturned, the facility will be eligible for QUP as if no license action had occurred.

- B) If IDPH issues a conditional license for any violation other than a Type A (Refer to subsection (b)(4)), to a facility, the facility shall become ineligible for QUP on the first day of the month subsequent to the date of issuance of the conditional license. Such ineligibility shall continue for six months. If the facility administratively appeals the issuance of a conditional license with IDPH, payments will continue to be withheld as specified above. If the facility prevails in such appeal, and the facility is otherwise eligible for QUP, the facility will be eligible for QUP as if no conditional license had been issued. If the facility does not administratively appeal the issuance of a conditional license with IDPH, and the conditional license is

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.525(b)(2)(B) (continued)

overturned, the facility will be eligible for QIP as if no conditional license had been issued.

- C) In the event of a change in licensee, QIP payments will be reinstated effective with the date of licensee, if the new licensee has complied with the corrective action plan (as determined by IDPH) related to the identified Type A violation(s) charged to the previous licensee as specified by IDPH.

- D) Any licensee action, except a conditional license by IDPH, will disqualify the facility for QIP on the date of notification of the licensee action, and will disqualify the facility for QIP for the subsequent QIP period(s) until the facility is again eligible under this qualification.

3) Meeting Residents' Needs

- A) A facility must be meeting in the aggregate at least 92% of residents' health and habilitation needs. Illinois Department of Public Aid (IDPA) will determine compliance with this screening standard through a review of the results of the Inspection of Care (IOC) assessment which is recorded on the Evaluation of Need for Care forms (DPA-2700 and DPA-2701) as required by Subparts F and G of this Part. The number of unmet needs will be compared to the number of needs identified to verify no more than 8 percent of needs are unmet. Those forms document the evaluation of the need for a variety of services that may be rendered to a resident including assistance with activities of daily living and nursing care. If the facility fails to continue to satisfy this qualification, as evidenced by an IOC, the facility will lose its eligibility for QIP effective with the IOC exit date. The facility will be disqualified for QIP Payment until a subsequent IOC indicates that at least 92% of residents' needs are being met. If the facility begins to provide at least 92% of residents' needs as evidenced by an IOC and the facility is otherwise eligible for QIP, the facility will be eligible for QIP effective the first day of the month subsequent to the IOC exit date.

- B) Should the facility fail to satisfy this qualification for needs met, the facility has 30 days to correct needs not

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.525(b)(3)(B) (continued)

met, do not score (see Section 140.909(a)). If the facility corrects needs not met, do not score so that the facility is providing at least 92% of residents' needs, and the facility is otherwise eligible for QIP, the facility will be eligible for QIP under this qualification as of the date of correction of needs not met, do not score so that no more than eight percent of needs are unmet.

- 4) A facility must have no Type A violations, as defined in 77 Ill. Adm. Code 300.330 and Section 149 of the Nursing Home Care Reform Act of 1979 (Ill. Rev. Stat. 1987, ch. 111-142, par. 411-129). A facility will be ineligible for QIP based on the date the Illinois Department of Public Health's notice of violation is served on the facility. Ineligibility will begin on the first day of the month subsequent to the date that the notice of violation was served. Such ineligibility shall continue for a period of six (6) months. If a facility administratively appeals the Type A violation, payment shall be withheld according to this Section. If the Type A violation is reduced or overturned, as the result of an administrative appeal, and the facility is otherwise eligible for QIP, the facility will be eligible for QIP as if the violation had not occurred. In the event of a change in licensee, QIP payments will be reinstated effective with the date of licensee, if the new licensee has complied with the corrective action plan (as determined by IDPH) related to the identified Type A violation(s) charged to the previous licensee as specified by IDPH.

- 5) In order to qualify for QIP, a facility must provide reasonable access to Medicaid patients. Access will be considered reasonable when:

- A) Medicaid recipients constitute at least 25% of the facility's average daily census; or
- B) The proportion of Medicaid recipients in the census has increased at least two percentage points over the previous year; or
- C) The facility can demonstrate that it admits patients without regard to income or Medicaid eligibility or to some other criteria which in essence prioritize admissions on the basis of financial resources. The basis for determining priority of admission must be expressed in

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.525(b)(5)(C) (continued)

policy--Records documenting consistent application of the policy must be maintained.

- D) Nothing in this section may be construed as prohibiting preferential treatment of admissions on the basis of diagnosis, religious, ethnic or fraternal associations, county residence or association with a continuing care program--Facilities may accord preference in admission to the above groups as long as they do not discriminate against Medicaid residents within these groups.

- E) If a facility fails to continue to satisfy this qualification by not providing reasonable access to Medicaid recipients as described above, the facility will lose its eligibility for QUPP effective on the last day of the on-site QUPP assessment, and no further QUPP payments will be made for the remainder of the QUPP period--If the facility provides access as defined above at the time of the subsequent QUPP assessment and the facility is otherwise eligible for QUPP, the facility will be eligible for QUPP under this qualification in the subsequent QUPP period.

e) Quality Incentive Standards

- 1) A facility shall first meet the eligibility qualifications under subsection (b) of this Part to be eligible for a quality incentive payment (QIP)--The facility shall also meet one or more of five (5) quality incentive standards as set forth in Section 140.526 of this Part--A separate incentive payment is associated with each of the five quality incentive standards--The quality incentive standards are designed to be higher than those for the licensure, certification and inspection of care surveys--The standards expect a higher level of quality of service than necessary to meet minimum certification standards set forth in 77 Ill. Adm. Code 300.350 and 300--The standards are targeted at those aspects of a facility's care and services that can have the greatest impact on a resident's health, sense of well being, and quality of life--Achievement of one or more standards will be based on an assessment using the QUPP assessment instrument.

- 2) A facility shall meet the level of achievement as expressed by a percentage score specified in this Section or as expressed as a

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NOTICE OF ADOPTED AMENDMENTS

Section 140.525(c)(2) (continued)

number in Sections 140.526(d)(1) and 140.526(f)(2) of this Part to receive the incentive payment associated with a particular quality incentive standard--By attaining the level (e) specified, a facility succeeds in meeting a particular quality incentive standard of that standard--The following levels of achievement apply to all reimbursement periods commencing on or after January 1, 1988--80% for QUPP-Part-I (Section 140.526(b)), II (Section 140.526(e)), and IV (Section 140.526(f)) and 70% for QUPP-Part-III (Section 140.526(d)) and V (Section 140.526(f)(1)) and four (4) programs for QUPP Part-V(B) (Section 140.526(f)(2)).

- a) For the period beginning July 1, 1991, and ending January 31, 1992, Quality Incentive Program (QIP) payments are:

1) For nursing facilities, the amount they were eligible for under QUPP as of July 1, 1991. Additionally, all nursing facilities, regardless of QUPP status, receive \$.96 per resident, per day for this period.

2) For ICF/MR facilities, \$.257 per resident, per day.

3) For developmental training (DT) agencies, \$.933 per month for each DT client.

- b) For the period beginning February 1, 1992, and ending June 30, 1992, QUPP payments are reduced to 51.7% of the amount the facility or DT agency was receiving as of January 31, 1992.

- c) Effective July 1, 1992, no QUPP related payments will be made.

(Source: Amended at 17 Ill. Reg. 837, effective January 11, 1993)

Section 140.538 Special Costs

- a) Transportation -- The costs of transportation that is medically necessary and is of the type reimbursed by Public Aid in addition to the routine rate is not allowable. Other types of patient related transportation costs should be classified as either administrative costs or activity costs and are allowable.

- b) Ancillary Services -- are not an allowable expenditure. Ancillary services are those services which are not explicitly required by licensing requirements. Accordingly, the definition of ancillary service differs by licensure type, particularly between SNF and ICF,

NOTICE OF ADOPTED AMENDMENTS

Section 140.538(b) (continued)

as compared to ICF/MR facilities.

- c) For SNF or ICF, the following are ancillary services: occupational therapy by a licensed therapist, recreational therapy by a licensed therapist, dental care, work-related programs, rehabilitation by licensed personnel, pharmacy (other than "group care restricted"), psychological services (evaluation and diagnosis/behavior modification), and academic education by licensed personnel.
- d) These services, when offered by the above practitioners are ancillary services whether they are offered in the facility or outside the facility. Note, this does not include consultants or services offered by unlicensed personnel within the facility even if they relate to the above program areas.
- e) In an ICF/MR or SNF Pediatric facility the following services are ancillary: physician care, dental care -- except for dental screening, work-related programs (other than Level I Developmental Training and Level II Developmental Training as defined in Section 140.647, Description of Day Programming Service Levels), pharmacy (other than "group care restricted"), academic education, and any service for which the individual practitioner bills the Department directly or any service for which the Provider directly bills another Department or another governmental unit, including local school districts.

- f) It is the responsibility of the individual provider to obtain prior approval before rendering ancillary services. Ancillary providers must be enrolled with the Department.

- g) Oxygen in excess of one tank per patient per month is reimbursed directly rather than as part of the per diem. In order to submit claims the facility must be enrolled as a provider of oxygen.

- h) Barber and Beauty Shops -- Costs associated with barber and beauty shops are not allowable.

- i) Coffee and Gift Shops -- Costs associated with coffee and gift shops are not allowable.

- j) Assessment fees required by Public Act 87-13 87-861 to be paid to the Department of Public Aid are not an allowable cost for reimbursement purposes. This fee must be reported on the cost report Schedule V, Section E, Special Cost Centers, Line 42, Other-Cost.

(Source: Amended at 17 Ill. Reg. 837, effective January 11, 1993)

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Adopted Action:
130.220 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 120, par. 440 et seq.
- 5) Effective Date of Amendment(s): January 11, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 11, 1993
- 9) Notice of Proposal Published in Illinois Register:
September 25, 1992, Issue #39, 16 Ill. Reg. 14554
- 10) Has ICAR issued a Statement of Objections to these Amendments? No.
- 11) Differences between proposal and final version: In response to discussions with the staff of the Joint Committee on Administrative Rules the rulemaking was modified in the following respects:
 - 1) The citations to the Illinois Register were changed to volume 17 to reflect the adoption of this rulemaking after January 1, 1993.
 - 2) The word "Made" in the Title of Section 130.2140 in the Table of Contents was capitalized.
 - 3) The duplicate citation "amended at 15 Ill. Reg. 6621, effective April 17, 1991," was deleted from the main source note.
- 12) Have all the changes agreed upon by the agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendment(s): This rulemaking amends Section 130.220 to clarify that all gross receipts received from the sale of tangible personal property at retail, whether or not encumbered by leases or other rights vested in third parties, are presumed to be subject to Retailers' Occupation Tax. No deduction is permitted for any value attributable to intangible property or rights transferred in a sale of tangible personal property at retail if there is not clear evidence from the books and records of the retailer that the sale of such intangible personal property has been contracted for separately from the sale of the tangible personal property.

16) Information and questions regarding this adopted amendment shall be directed to:

Stanley T. Cichowski
Manager
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-7054

The full text of the Adopted Amendment begins on the next page:

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 130
RETAILERS' OCCUPATION TAX
SUBPART A: NATURE OF TAX

| Section | Character and Rate of Tax |
|---------|--|
| 130.101 | Responsibility of Trustees, Receivers, Executors or Administrators |
| 130.105 | Occasional Sales |
| 130.110 | Sale of Used Motor Vehicles by Leasing or Rental Business |
| 130.111 | Habitual Sales |
| 130.115 | Nontaxable Transactions |
| 130.120 | |

SUBPART B: SALE AT RETAIL

| Section | The Test of a Sale at Retail |
|---------|--|
| 130.201 | Sales for Transfer Incident to Service |
| 130.205 | Sales of Tangible Personal Property to Purchasers for Resale |
| 130.210 | Further Illustrations |
| 130.215 | Sales to Lessors of Tangible Personal Property |
| 130.220 | |

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

| Section | Exemption |
|---------|--|
| 130.305 | Farm Machinery and Equipment |
| 130.310 | Food, Drugs, Medicines and Medical Appliances |
| 130.315 | Fuel Sold for Use in Vessels on Rivers Bordering Illinois |
| 130.320 | Gasohol |
| 130.321 | Fuel Used by Air Common Carriers in International Flights |
| 130.325 | Graphic Arts Machinery and Equipment Exemption |
| 130.330 | Manufacturing Machinery and Equipment |
| 130.335 | Pollution Control Facilities |
| 130.340 | Rolling Stock |
| 130.345 | Oil Field Exploration, Drilling and Production Equipment |
| 130.350 | Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment |

SUBPART D: GROSS RECEIPTS

| Section | Meaning of Gross Receipts |
|---------|---|
| 130.401 | How to Avoid Paying Tax on State Tax Passed on to the Purchaser |
| 130.405 | Cost of Doing Business Not Deductible |
| 130.410 | Transportation and Delivery Charges |
| 130.415 | Finance or Interest Charges--Penalties--Discounts |
| 130.420 | |

NOTICE OF ADOPTED AMENDMENT(S)

DEPARTMENT OF REVENUE

| | |
|---------|---|
| 130.740 | Certificate Required For Mobile Vending Units |
| 130.745 | Revocation of Certificate |

SUBPART H: BOOKS AND RECORDS

| | |
|---------|---------|
| 130.801 | Section |
| 130.805 | 130.901 |
| 130.810 | 130.905 |
| 130.815 | 130.910 |
| 130.820 | |
| 130.825 | |

SUBPART J: BINDING OPINIONS

Section
130.1001 When Opinions from the Department are Binding

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

| | |
|----------|---------------------|
| Section | General Information |
| 130.1201 | Due Date that Falls |
| 130.1205 | |

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

| | |
|----------|--|
| Section | When Lessee of Premises Must File Return for Leased Department |
| 130.1301 | When Lessor of Premises Should File Return for Leased Department |
| 130.1305 | Meaning of "Lessor" and "Lessee" in this Regulation |
| 130.1310 | |

SUBPART N: SALES FOR RESALE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

130.2115 Sellers of Machinery, Tools and the Like
 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
 130.2125 Trading Stamps and Discount Coupons
 130.2130 Undertakers and Funeral Directors
 130.2135 Vending Machines
 130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar
 Items Made to Order
 130.2145 Vendors of Meals
 130.2150 Vendors of Memorial Stones and Monuments
 130.2155 Vendors of Signs
 130.2156 Vendors of Steam
 130.2160 Vendors of Tangible Personal Property Employed for Premiums,
 Advertising, Prizes, Etc.
 130.2165 Veterinarians
 130.2170 Warehousemen
 ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act (Ill. Rev. Stat. 1991, ch. 120, pars. 440 et seq.) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 39b3).

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993.

Section 130.220 Sales to Lessors of Tangible Personal Property

- a) Effective August 1, 1967, the sale of tangible personal property to a purchaser who will act as a lessor of such tangible personal property is a sale at retail and is subject to Retailers' Occupation Tax. Also, effective August 1, 1967, the sale of tangible personal property that is used, employed or consumed by the purchaser in or upon other tangible personal property as to which such purchaser acts as a lessor is a sale at retail and so is subject to Retailers' Occupation Tax.
- b) However, an exception exists for the sale of an automobile to an automobile rentor for use as a rental automobile under lease terms of one (1) year or less, provided the lessor gives proper certification to the seller. The exception does not apply to a retail sale of repair or replacement parts for rental automobiles.
- c) All gross receipts received from the sale of tangible personal property at retail, whether or not encumbered by leases or other rights vested in third parties, are presumed to be subject to Retailers' Occupation Tax. No deduction will be permitted for any value attributable to intangible property or rights transferred in a sale of tangible personal property at retail if there is not clear evidence from the books and records of the retailer that the sale of such intangible property has been contracted for separately from the sale of the tangible personal property. In no event will the combined sale of tangible and intangible property be permitted to reduce the tax base of the tangible personal property being sold below the fair market value of similar tangible personal property sold separately.

(Source: Amended at 17 Ill. Reg. 860, effective January 11, 1993)

TREASURER

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Merit and Fitness
- 2) Code Citation: 80 Ill. Adm. Code 620
- 3) Section Numbers: Action:
620.130 Withdrawal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
January 4, 1993, 17 Ill. Reg. 91
July 24, 1992, 16 Ill. Reg. 11724
August 7, 1992 16 Ill. Reg. 12409
- 5) Reason for the Withdrawal: Identical Rulemakings were inadvertently proposed.

ILLINOIS DEPARTMENT OF THE LOTTERY

NOTICE OF PUBLIC INFORMATION

Pursuant to the provisions of 20 ILCS 1605/7.1, the Illinois Department of the Lottery shall publish each January in the Illinois Register a list of all game-specific rules, play instructions, directives, operations manuals, brochures, or other game-specific publications issued by the Department during the previous year. Following is the list of game-specific materials published by the Lottery during calendar year 1992.

"How to Play Doubling Dollars" instant game instructions
 "How to Play Shoot for the Loot" instant game instructions
 "How to Play Winning Spirit" instant game instructions
 "How to Play Lucky 7's" instant game instructions
 "How to Play Bunny Bucks" instant game instructions
 "How to Play \$100,000 Fortune Hunt VII" instant game instructions
 Departmental Directive #92-02: "Shoot for the Loot Rebound Sweepstakes"
 Departmental Directive #92-03: "Sweet Dreams 'Sheepstakes'"
 Departmental Directive #92-04: "Special Game Designation: \$100,000 Fortune Hunt"
 Departmental Directive #92-06: "Special Game Designation: Holiday Cash IV"
 Departmental Directive #92-07: "Game Promotion: Daily Games 60% Payout"
 Departmental Directive #92-08: "Special Game Designation: Double Mint"
 Departmental Directive #92-09: "Game Promotion: Daily Games 60% Payout" (End)
 Departmental Directive #92-10: "Hit it Big Baseball Promotion"
 Departmental Directive #93-03: "Special Game Designation: Holiday Cash V"
 Departmental Directive #93-04: "Jingle Bell Bucks 'Spreestakes'"
 Departmental Directive #93-06: "Special Game Designation: Won-on-One"
 Game Rules - Instant Game No. 87, "Bunny Bucks"
 Game Rules - Instant Game No. 88, "100,000 Fortune Hunt VII"
 Game Rules - Instant Game No. 89, "Spin 'N Win"
 Game Rules - Instant Game No. 90, "Hit it Big"
 Game Rules - Instant Game No. 91, "Double Mint"
 Game Rules - Instant Game No. 92, "Gold & Glory"
 Game Rules - Instant Game No. 93, "Buried Treasures"
 Game Rules - Instant Game No. 94, "Daily Double"
 Game Rules - Instant Game No. 95, "\$100,000 Fortune Hunt VIII"
 Game Rules - Instant Game No. 96, "Da Big Quarterbucks"
 Game Rules - Instant Game No. 97, "Jumpin' Jack Cash"
 Game Rules - Instant Game No. 98, "Holiday Cash V"
 Game Rules - Instant Game No. 99, "Jingle Bell Bucks"
 Game Rules - Instant Game No. 01, "Winning Hand"

ILLINOIS DEPARTMENT OF THE LOTTERY

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Game Rules - Instant Game No. 02, "Money Mine"
 Game Rules - Instant Game No. 03, "Won on One"
 Game Rules - Instant Game No. 04, "Double Take"
 \$100,000 Fortune Hunt Preliminary Drawing Procedures (Revised effective 7/1/92, 10/29/92, and 12/29/92)
 \$100,000 Fortune Hunt TV Game Show Procedures (Revised effective 3/27/92, 10/29/92, 11/6/92, and 12/29/92)
 On-Line Drawing Procedures (Revised effective 1/23/92, 4/28/92, 9/3/92)
 Sweet Dreams Entry Ticket Preliminary Drawing Procedures
 Sweet Dreams Grand Prize Drawing Procedures
 Lotto and little lotto Winning Numbers
 Instant Game Sale and Claim Dates (All games since 1975)
 Illinois State Lottery Gross Sales by Game
 Brochure - "Where Your Lottery Dollar Goes"

Copies of the foregoing may be obtained by submitting a written request to:

Freedom of Information Officer
 Illinois Department of the Lottery
 P. O. Box 19080
 Springfield, Illinois 62794-9080

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE PURSUANT TO

ILL. REV. STAT. 1991, CH. 111½, PAR. 1007.2(b)

Section 17.5 of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111½, par. 1013.3) requires the Board to adopt regulations which are "identical in substance" USEPA drinking water rules adopted pursuant to sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (P.L. 93-523; 42 USC 300g-1(b), 300g-3(c), 300g-6(a) & 300j-4(a)). These rules are contained in 35 Ill. Adm. Code 611. The Board proposed amendments to these rules on March 11, 1992 in R91-3. The proposal appeared at 16 Ill. Reg. 5582, April 10, 1992.

On December 3, 1992, in R92-3, the Pollution Control Board entered the following Order pursuant to Ill. Rev. Stat. 1991 Supp., ch. 111½, par. 1007.2(b):

The federal rulemaking period covered by docket R92-3 is presently June 1, 1991 through December 31, 1991. During this period, USEPA promulgated the Lead and Copper rules and the Phase IIB rules as follows:

| | |
|--------------------|--------------|
| 56 Fed. Reg. 26547 | June 7, 1991 |
| 56 Fed. Reg. 30266 | July 1, 1991 |
| 57 Fed. Reg. 22178 | May 27, 1992 |

The Board incorporated the Phase II corrections and certain elements of the Phase IIB rules into docket R91-3 and adopted amendments based on those corrections on November 19, 1992. Certain, limited, core Phase IIB amendments remain outstanding.

Section 17.5 of the Environmental Protection Act (Act) requires the Board to adopt regulations that are "identical in substance" with USEPA drinking water rules adopted pursuant to Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (P.L. 93-523), as amended (SDWA). The term "identical in substance" has been defined in Section 7.2 of the Act. Section 7.2(b) of the Act requires the Board to adopt a rule within one year of adoption of federal rule, unless the Board extends the time based on a finding that the time is insufficient and stating the reasons. It appears that adoption of the regulations in this docket, is already delayed (as explained below). The Board is therefore entering this order to extend the time.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

The USEPA SDWA rules are located at 40 CFR 141 through 143. These have been the subject of two recent amendments, discussed above. The federal amendments of June 7, 1991 (docket R91-15) were due on or before June 7, 1992. Those of July 1, 1991 were due July 1, 1992.

The Board hereby that necessary delays in adopting the amendments involved in R91-3 have resulted in unavoidable delay in proceeding with the amendments of dockets R91-15 and R92-3. The amendments involved in both dockets interrelate with those of docket R91-3 in such a way that it was impossible to proceed with the R92-3 amendments until the R91-3 amendments were adopted. Many of the same Sections are involved in both proceedings, and, in fact, docket R91-3 included many amendments nominally within the present time-frame of docket R92-3. It was even impossible until completion of the R91-3 amendments to predict when the Board could complete the R92-3 amendments. Further, USEPA did not release the guidance documentation relating to Lead and Copper rules until November, 1992. We find this guidance information important to deciding how to approach various issues raised by the federal rules. Therefore, we find that an extension of time is warranted and necessary and enter this order at this time.

We presently anticipate completion of a proposal for public comment on or before our regularly-scheduled meeting of February 25, 1993. After allowing Board staff a brief, but sufficient, time to obtain publication in the Illinois Register, and allowing at least 45 days for public comment, the Board believes that we will conclude this rulemaking on or before our regularly-scheduled meeting of June 3, 1993.

Pursuant to Section 7.2(b) of the Act, the Board will submit a copy of the text of this order for publication in the Illinois Register as expeditiously as possible.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED RULES

NOTICE PURSUANT TO

ILL. REV. STAT. 1991, CH. 111 1/2, PAR. 1007.2(b)
CONTINGENCY PLAN RULES PURSUANT TO SECTION 22.7

Section 22.7 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1022.7) requires the Board to adopt regulations which are "identical in substance" to the federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). These rules are contained in 35 Ill. Adm. Code 750.

On December 3, 1992, in Docket R92-18, the Pollution Control Board entered the following Order pursuant to Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1007.2(b):

On October 1, 1992, the Board opened this Docket for the purpose of updating the State contingency plan (Contingency Plan) regulations contained in 35 Ill. Adm. Code 750. The contingency plan regulations are patterned after the USEPA CERCLA, commonly referred to as "Superfund", regulations found in 40 CFR 300. The Board's contingency plan regulations address spills of hazardous materials, and prioritization of remediation projects to be funded by the State. The regulations were promulgated so as to be utilized by the Illinois Environmental Protection Agency (Agency) in concert with the Agency's administration of the legislatively appropriated "State Superfund" monies.

We note, however, that while the Act requires that the contingency plan regulations be patterned after the USEPA "Superfund" regulations, their adoption is not required by the USEPA. In this respect, the contingency plan regulatory program differs from most other "identical in substance" programs (such as RCRA).

Sections 7.2 and 22.7 of the Environmental Protection Act (Act) require the Board to adopt the contingency plan regulations on a "fast track" basis pursuant to "identical in substance" rulemaking procedures. Specifically, Section 22.7 requires the Board to adopt regulations which are identical in substance to the federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). (Ill. Rev. Stat. 1991, ch.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED RULES

111 1/2, par. 1022.7.) Section 7.2(b) of the Act requires the Board to adopt a rule within one year of adoption of a federal rule, unless the Board extends the time based on a finding that the time is insufficient, and stating the reasons. The Board is to specify a date certain anticipated for completion unless a specified event beyond the Board's control prevents such specificity.

For the reasons stated below, the Board finds that the time has been insufficient, and that it anticipates completion by April 1, 1993.

The contingency plan regulations were adopted in R84-5, on June 8, 1984. The adopting Opinion appears at 59 PCB 319 (August 2, 1984). Until recently, the Board had not initiated an update rulemaking. Given its quite limited resources, the Board felt that it must give its highest priority attention to keeping up with the ongoing, voluminous "identical in substance" rulemakings implementing major federally mandated - and funded - programs. (The Board has handled, from rulewriting to adoption, some 26 rulemakings in the RCRA program alone.) We have also been aware that, due to limited funding in recent times, this was not a high activity program for the Agency.

The Board has been making every effort to allocate the resources to proceed with a contingency plan update. In addition to the Board's desire to respond to the "fast track" provisions in the Act, two events have occurred that make it necessary, if difficult, for the Board to allocate its resources to an update.

There have been voluminous amendments to the USEPA CERCLA regulations in 40 CFR 300 at 55 Fed. Reg. 8813, March 8, 1990. These amendments appear to effectively replace the old rules. Action on a major update such as this will be essential to a State "Superfund" program, even more so if the funding is reactivated.

Additionally, the Illinois Appellate Court has ruled that the Agency's rules regarding the State Remedial Action Priority List (SRAPL) is unacceptable, thus leaving no valid mechanism for prioritizing sites. (States Land Improvement Corp. v. IEPA, Fourth District, June 25, 1992; 596 N.E. 2d 1164.) The Agency's rules flowed from the Board's Contingency plan regulations. (See discussion in the R84-5 Opinion, at

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED RULES

5, 6.) While States Land was on appeal to the Illinois Supreme Court, the Board delayed proceeding with the update because it was uncertain whether events might occur that were beyond the Board's control as regards its own regulations. However, this reason is no longer valid since the Supreme Court declined to review the case on October 7, 1992 ruling. Moreover, there is a potential for the appellate court's concerns about Agency's SRAPL rules to be addressed in the Board's update reflecting the federal program changes.

Pursuant to Section 7.2(b) of the Act, this Order will be published expeditiously in the Illinois Register.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED RULES

NOTICE PURSUANT TO

ILL. REV. STAT. 1991, CH. 111 1/2, PAR. 1007.2(b)

RCRA RULES PURSUANT TO SECTION 22.4(a)

Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1022.4(a)) requires the Board to adopt regulations which are "identical in substance" to the federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Sections 3001, 3002, 3003, 3004, and 3005 of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580). These rules are contained in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.

On December 17, 1992, in Docket R92-10, the Pollution Control Board entered the following Order pursuant to Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1007.2(b):

The Board entered a Proposed Opinion and Order in this RCRA Update Docket on October 16, 1992. The proposed rules appeared in the Illinois Register on November 6, 1992. Public comment is due by December 21, 1992.

Section 22.4(a) of the Environmental Protection Act (Act) requires the Board to adopt regulations which are identical in substance to federal regulations promulgated by USEPA to implement the Federal Resource Conservation and Recovery Act. Section 7.2(b) of the Act requires that identical in substance rulemakings be completed within one year after the first USEPA action in any six month batch period. If the Board is unable to do so it must find that an "extension of time" is necessary, give the reasons why the one year period is insufficient for completion of the rulemaking, publish the finding and reasons in the Illinois Register and specify a date when the Board anticipates completion of the rulemaking.

The first USEPA rulemaking in this batch period was January 2, 1992. The rulemaking is therefore due by January 2, 1993. Public comment is due by December 21, 1992. The Board hereby finds that an extension of time is needed. January 21, 1993, is the anticipated completion date.

Pursuant to Section 7.2(b) of the Act, this Order will be published expeditiously in the Illinois Register.

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 6, 1993 through January 12, 1993, and have been scheduled for review by the Committee at its February 9, 1993 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield, IL 62706.

| Second Notice Expires | Agency and Rule | Start of First Notice | JCAR Meeting |
|-----------------------|---|---------------------------------|--------------|
| 2/19/93 | Department of Central Management Services, Merit and Fitness (80 Ill Adm Code 302) | 11/13/92 16 Ill Reg 17187 | 2/9/93 |
| 2/17/93 | Environmental Protection Agency, Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories (35 Ill Adm Code 183) | 8/14/92 16 Ill Reg 12659 | 2/9/93 |
| 2/22/93 | Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113.410) | 9/25/92 16 Ill Reg 14533 | 2/9/93 |
| 2/22/93 | Department of Conservation, Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810) | 11/20/92 16 Ill Reg 17414 | 2/9/93 |

PROCLAMATION

93-001
AUTISM WEEK

Whereas, Autism is a developmental disability that occurs in approximately 15 out of every 10,000 births; and
 Whereas, individuals affected by this neurological syndrome may exhibit a number of unique characteristics, such as abnormal responses to sensations, unusual or absent speech and language skills, and a different way of relating to people, objects, and events; and

Whereas, Autism has been found in all populations around the world and in all socio-economic, racial, and cultural backgrounds; and

Whereas, we should support research efforts to develop a cure and prevention for Autism, as well as increasing public awareness and understanding of the syndrome;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 7-13, 1992, as AUTISM WEEK in Illinois.

Issued by the Governor December 30, 1992.

Filed with the Secretary of State January 7, 1993.

93-002

GEORGE PRADEL DAY

Whereas, George Pradel began serving as a police officer for the city of Naperville in 1966. He was promoted to sergeant in 1977 and lieutenant in 1988; and

Whereas, over the years, George has played an exemplary role in law enforcement and community service in the Naperville area; and

Whereas, through his professional, dedicated, and caring manner, George has been dubbed by his peers and fellow citizens as "Officer Friendly," "Father of Police Community Relations," and "The Great Facilitator"; and

Whereas, George was instrumental in the implementation of the "Safety Town" program and has influenced and educated thousands of children through his teaching of basic safety rules; and

Whereas, George is retiring from his position as Naperville police lieutenant in charge of traffic and crime prevention units. He will move to the position of community service officer in charge of downtown traffic enforcement, the same type of job he held when he joined the police force more than 26 years ago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 6, 1993, as GEORGE PRADEL DAY in Illinois and commend him on the devotion he has shown in ensuring the safety of the Naperville community.

Issued by the Governor December 30, 1992.

Filed with the Secretary of State January 7, 1993.

ILLINOIS REGISTER

93-003

LEWIS UNIVERSITY YEAR

Whereas, The Holy Name Technical School was founded in 1932 as an aeronautical technical school for boys; and
 Whereas, after a number of name and curriculum changes, the school was renamed Lewis University in 1973; and

Whereas, the school has grown into a dynamic, coeducational university that offers bachelor's degrees in more than 50 majors and master's degrees in business administration and criminal/social justice; and

Whereas, Lewis University has more than 4,000 students among its main campus in Romeoville, satellite sites in Oak Brook, Schaumburg, Hickory Hills, and Oglesby, and class sites in Orland Park, Naperville, and Chicago; and

Whereas, 1992 marks the 60th year the university has served as an educational resource in our state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim 1992 as LEWIS UNIVERSITY YEAR in Illinois.

Issued by the Governor December 30, 1992.

Filed with the Secretary of State January 7, 1993.

93-004

SCHOOL SOCIAL WORK WEEK

Whereas, the more than 2,200 school social workers in Illinois provide services to thousands of school children in regular and special education settings to help these children maximize their learning potential and experience school success; and

Whereas, school social workers assist the most vulnerable children and adolescents, including children with handicaps, abused and neglected children, low-income and minority children, pregnant teens, suicidal teens, potential dropouts, substance abusers, and other at-risk children and youths; and

Whereas, school social workers help parents and school personnel bridge the gap between home and school, coordinating community services to meet special needs of children and families; and

Whereas, school social workers work closely with school administrators, teachers, and other education professionals to help schools develop programs that are flexible and responsive to individual student needs; and

Whereas, school social workers advocate for schools, families, children, and youth in the legislative arena by supporting proposals to improve and stabilize school funding, abolish corporal punishment, and improve legislation and programs for at-risk children and youth;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 14-20, 1993, as SCHOOL SOCIAL WORK WEEK in Illinois.

Issued by the Governor December 30, 1992.
Filed with the Secretary of State January 7, 1993.

93-005

ERNEST R. JENKINS DAY

Whereas, for more than 30 years, Ernest R. Jenkins has devoted his energy to assisting young people in the Chicago area; and

Whereas, Ernest is the vice president of community relations for the YMCA of Metropolitan Chicago and the executive director for the Southside and Austin YMCAs; and

Whereas, he has served as a volunteer for a number of community improvement efforts and organizations, including the Illinois Gang Crimes Study Commission; the Illinois Commission on Neglected, Abandoned, and Abused Children; the National Conference on Social Welfare; and the Governor's Task Force on Hunger; and

Whereas, on January 16, 1993, Frontiers International is holding a banquet to honor Ernest's unyielding dedication to improving the quality of life for individuals in the Chicago area;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 16, 1993, as ERNEST R. JENKINS DAY in Illinois and commend him on his exemplary role in community service.

Issued by the Governor January 6, 1993.

Filed with the Secretary of State January 7, 1993.

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| ACTION CODES | |
|--|--|
| A - Adopted Rule | P - Proposed Rule |
| AR - Adopted Repealer | PF - Prohibited Filing Order by JCAR* |
| C - Notice of Corrections | PP - Peremptory or Court Ordered Rules |
| CC - Codification Changes | PR - Proposed Repealer |
| E - Emergency Rule | R - Refusal to meet JCAR Objection |
| ER - Emergency Repealer | RC - Statement of Recommendation |
| M - Modification to meet JCAR objections | S - Suspension ordered by JCAR |
| O - JCAR Statement of Objections | W - Withdrawal to meet JCAR Objections |
| RQ - Request for Correction | |
| EC - Expedited Corrections | |

*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

| | |
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| 8 Ill. Adm. Code 65 | Egg & Egg Products Act (P-527) |
| CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF | |
| 80 Ill. Adm. Code 310 | Pay Plan (P-191; C-672) (P-13679/92; A-238) (PP-498) (P-13179/92; A-590) |
| 44 Ill. Adm. Code 1 | Standard Procurement (P-12808/92; A-600) |
| CHILDREN AND FAMILY SERVICES, DEPARTMENT OF | |
| 89 Ill. Adm. Code 304 | Access to & Eligibility for Child Welfare Services (P-7545/92; A-251) |
| 89 Ill. Adm. Code 377 | Facilities & Programs Exempt from Licensure (P-7553/92; A-259) |
| 89 Ill. Adm. Code 402 | Licensing Standards for Foster Family Homes (P-11707/92; A-267) |
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| 17 Ill. Adm. Code 670 | White-Tailed Deer Hunting by Use of Bow and Arrow (P-15265/92; A-286) |
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JOINT COMMITTEE ON ADMINISTRATIVE RULES

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92 Ill. Adm. Code 2520 State Toll Highway Rules, Repeal of (P-566)

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23 Ill. Adm. Code 2763 Minority Teachers of Ill. (MTI) Scholarship Program (E-175)

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74 Ill. Adm. Code 750 Home Ownership Made Easy Act, Repeal of (P-762)
74 Ill. Adm. Code 750 Home Ownership Made Easy Act (P-777)
74 Ill. Adm. Code 740 Ill. Public Treasurers' Investment Pool for Public Treasurers in the State of Ill. (P-585)
80 Ill. Adm. Code 620 Merit & Fitness (P-91) (W-869)

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TYPE OF RULEMAKING

am = amendment to existing Section
 cc = codification changes
 n = new Section
 r = repeal of existing Section
 re = recodified
 # = renumbered

ACTION CODES

A = Adopted rule
 C = Correction
 P = Proposed Rule
 E = Emergency rule
 PP = Peremptory rule
 M = Modification
 W = Withdrawal
 RQ = Request for Correction

PF = Prohibited filing
 S = Suspension
 O = JCAR Objection
 R = Refusal to Modify
 F = Failure to Remedy
 Objections Objection
 RC = Recommendation
 EC = Expedited Correction
 CC = Codification Changes

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| 1075.10 | n | (P-14182/92; A-142) | am | (P-12808/92; A-600) | (P-11713/92; A-319) | 805.20 | am | (P-42) (E-154) | |
| 1075.20 | n | (P-14182/92; A-142) | am | (P-12808/92; A-600) | (P-11713/92; A-319) | 805.30 | am | (P-42) (E-154) | |
| 1075.30 | n | (P-14182/92; A-142) | n | (P-12808/92; A-600) | (P-11713/92; A-319) | 805.40 | am | (P-42) (E-154) | |
| 1075.40 | n | (P-14182/92; A-142) | am | (P-12808/92; A-600) | (P-11713/92; A-319) | 805.50 | am | (P-42) (E-154) | |
| 1075.50 | n | (P-14182/92; A-142) | am | (P-12808/92; A-600) | (P-11713/92; A-319) | 805.60 | am | (P-42) (E-154) | |
| 1075.60 | n | (P-14182/92; A-142) | am | (P-12808/92; A-600) | (P-11713/92; A-319) | 805.70 | am | (P-42) (E-154) | |
| 1075.70 | n | (P-14182/92; A-142) | am | (P-12808/92; A-600) | (P-11713/92; A-319) | 2015.10 | n | (P-696) | |
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| | | | | | | 350.280 | am | (P-3780/92; O-180) | |
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| | n | (P-219) (E-445) | 567.20 | am | (P-10403/92; A-149) | |
| 105.600 | n | (P-219) (E-445) | 567.30 | am | (P-10403/92; A-149) | |
| | n | (P-219) (E-445) | 567.100 | am | (P-10397/92; A-425) | |
| 105.700 | n | (P-219) (E-445) | 730.700 | r | (P-77) | |
| | n | (P-219) (E-445) | 827.10 | am | (P-77) | |
| 105.800 | n | (P-219) (E-445) | 827.30 | am | (P-77) | |
| | n | (P-219) (E-445) | 827.40 | am | (P-77) | |
| 105.810 | n | (P-219) (E-445) | | | | |
| | n | (P-219) (E-445) | | | | |
| 105.900 | n | (P-219) (E-445) | | | | |
| | n | (P-219) (E-445) | | | | |
| 105.910 | n | (P-219) (E-445) | | | | |
| | n | (P-219) (E-445) | | | | |
| 105.920 | n | (P-219) (E-445) | | | | |
| | n | (P-219) (E-445) | | | | |
| 105.1000 | n | (P-219) (E-445) | | | | |
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| 105.1010 | n | (P-219) (E-445) | | | | |
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| 130.220 | am | (P-14554/92; A-860) | | | | |
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| 210.101 | am | (E-665) | | | | |
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| 210.125 | am | (E-665) | | | | |
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| 210.126 | n | (E-665) | | | | |
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